



F O R U M

Citizens Against Global Governance  
For Life, Freedom, Family, and the Nation

# Advocacy in International Institutions

A Guide for Non-Governmental Organizations That Want to Engage  
in the Protection of Human Rights in the International Arena



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Academic Publishing House of the Ordo Iuris Institute for Legal Culture

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# 1. Introduction

Since the second half of the 20th century, international organizations have undergone an impressive evolution from purely technical forums for dialogue between representatives of states to powerful institutions with ambitions to set policy goals for entire regions, continents, and the globe. Never before in history have such organizations had such an impact on national politics.

In the modern world, many fundamental problems are therefore settled by them: in their political bodies (such as the United Nations General Assembly, the European Parliament, or the Council of Europe's Parliamentary Assembly) as well as their meritocratic ones, which are sometimes called "expert" bodies (such as human rights committees, the European Court of Human Rights [ECHR], the Court of Justice of the European Union [CJEU], the Inter-American Court of Human Rights or the African Court on Human and Peoples' Rights). Participating in these bodies' deliberations is now at least as important as participating in the work of governments, parliaments, and national courts.

Each of the aforementioned international organizations provides numerous opportunities for non-governmental organizations (NGOs) and other external actors to participate in their activities: by obtaining consultative or observer status, being granted permission to attend the meetings of certain bodies, submitting amendments to draft documents, and filing amicus briefs.

It is worth emphasizing that participation in these international proceedings requires a balanced approach, however, institutions such as the UN, the European Union, and the Council of Europe are not without flaws, especially given that they are being increasingly criticized for their excessive bureaucratization, politically-motivated decisions, and unequal representations of their constituents' interests. Doing advocacy work, therefore, requires full awareness of these limitations while maximizing the opportunities these platforms offer. The key to success is a combination of strategic planning, sound knowledge, and the ability to build trust among international partners. This guidebook is designed to provide practical tools and tips on how to successfully navigate this complex ecosystem.



Participation in international proceedings leads to concrete results. While the results are not always immediate, success stories show that persistent advocacy can lead to real change. One example is the influence of NGOs on the adoption of the Convention on the Rights of Persons with Disabilities in 2006, which set the international standards by which people with disabilities are managed.

This year will mark 12 years since the Ordo Iuris Institute for Legal Culture began fighting, both in Poland and around the world, in defense of unborn life, the family, and freedom. While the number of community organizations and governments standing up for human rights is growing, there remains a need for international alliances and networks that bring together lawyers, politicians, and activists from around the world.

Promoting the defense of values in international institutions does not require a huge amount of resources or multitudes of people. Whether you're just getting started in human-rights advocacy or are an experienced activist, this guide will offer the knowledge and inspiration to ensure that your actions will have a genuine impact.

## 2. Advocacy: Is it worth it?

Advocacy is one of the functions that an NGO can perform, depending on its profile. Advocacy can consist of active participation in public consultations and debates; creating or supporting legislative initiatives; or broadly lobbying for the interests of members, beneficiaries, or a circle of people corresponding to the NGO's stated goals.

Whether or not an NGO's advocacy transcends national borders and rises to the international level depends not only on the nature of its activities, but primarily on the commitment of its members as well as its expertise. If an NGO has a well-established, well-prepared, and well-elaborated position on an important issue, and there is an opportunity to present, submit, debate, or even implement it in an international forum, then such an undertaking seems not only advisable, but necessary. The goal of advocacy, after all, is to achieve as much influence as possible; and it is one of the forms—and, we should add, one of the more effective ones—of achieving an NGO's goals.

If you are still wondering whether it is worth extending your advocacy to international institutions and organizations, consider the fact that involvement by NGOs in international forums is growing!

# 3. International organizations allowing NGO participation

## 3.1. The United Nations



United Nations Headquarters, New York. Source: Adobe Stock.

The UN is the global center for shaping international law and standards for the protection of human rights. Procedures such as the Universal Periodic Review (UPR) and the work of the Human Rights Council make it possible not only to monitor compliance with these standards, but also to influence countries' policies and elevate local challenges to the global stage.

The preamble to the United Nations Charter asserts, "We, the Peoples of the United Nations [are] determined [...] to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women

and of nations large and small.”<sup>1</sup> With the expansion of the UN’s bureaucratic apparatus—which now includes agencies, commissions, and expert groups—the organization has begun to deviate from this original vision. Increasingly, some of its institutions are pushing new interpretations of laws that do not enjoy consensus among all member states, and often only reflect the views of a narrow group of Western countries. Hence, being present and actively participating in the UN’s work is particularly important.

### Consultative status with the UN

Consultative status is the primary tool through which NGOs can influence the Economic and Social Council (ECOSOC) and its subsidiary bodies, as well as international conferences organized by the UN.

Consultative status is based on Article 71 of the Charter of the United Nations<sup>2</sup> (hereafter UN Charter) and the Economic and Social Council Resolution 1996/31, which was adopted on July 25, 1996<sup>3</sup> (hereafter Resolution).

Article 71 of the UN Charter runs as follows: “The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.”

In turn, the resolution grants NGOs participation as observers in the Council’s open meetings as well as its subsidiary bodies. NGOs may also submit oral and written statements relating to the Council’s work. Organizations that have been granted this status are further authorized to participate in international conferences, sessions of the UN General Assembly, and other intergovernmental bodies.

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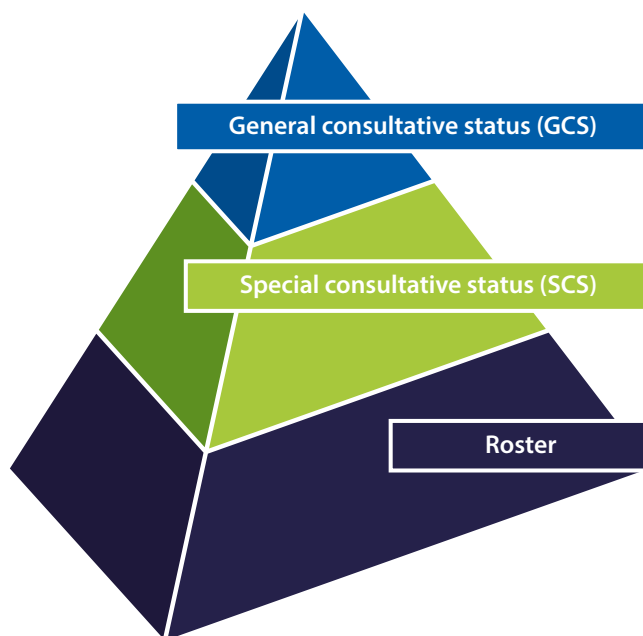
1 United Nations Charter, <https://www.un.org/en/about-us/un-charter/full-text> (accessed: April 12, 2025).

2 *Ibid.*

3 ECOSOC Resolution 1996/31. Consultative relationship between the United Nations and non-governmental organizations, [https://www.un.org/esa/coordination/ngo/Resolution\\_1996\\_31/](https://www.un.org/esa/coordination/ngo/Resolution_1996_31/) (accessed: February 10, 2024).

There are three categories of consultative status:

1. **general consultative status (GCS)**, which is reserved for large international NGOs whose purviews cover most of the issues on the agenda of the ECOSOC and its subsidiary bodies. These tend to be fairly large, established international NGOs with a broad geographical reach;
2. **special consultative status (SCS)**, which is granted to NGOs that have a special competence in, and are concerned specifically with, only a few of the fields of activity covered by the ECOSOC. These NGOs tend to be smaller and more recently established; and
3. **a register, the so-called Roster** for NGOs that tend to have a rather narrow and/or technical focus. They have applied for consultative status, but have not been granted this status either in the general or special category. Being included on the Roster gives them formal status with other UN bodies or specialized agencies (such as the FAO, ILO, UNCTAD, UNESCO, WHO, and others), so that they can make occasional contributions to the work of the UN or its subsidiary bodies.



## Entitlements available to NGOs with consultative status

The list of rights available to those NGOs holding consultative status is derived from Resolution 1996/31, as already cited. It should be emphasized that their powers as well as their scope depend on the specific category of consultative status they possess (GCS, SCS, or Roster).

Category	Entitlements	Details
<b>Access to the agenda</b>	Receiving the initial agenda of the ECOSOC and its subsidiary bodies	Applies to GCS, SCS, and the Roster ( <i>vide</i> § 27 and 33 of Resolution 1996/31).
<b>Proposing agenda items</b>	Ability to propose ECOSOC agenda items	Applies to GCS only; the NGO must notify the Secretary General 63 days before the start of the session and submit the relevant application 49 days beforehand, however. An item is placed on the committee's agenda if it is adopted by a vote of two-thirds of those present ( <i>vide</i> § 34 of Resolution 1996/31).
<b>Participation in meetings</b>	Designation of observers at public meetings held by the ECOSOC and its subsidiary bodies	Those with GCS and SCS status have the right to participate; organizations from the Roster may only do so within the sphere of their competence ( <i>vide</i> § 29 and 35 of Resolution 1996/31).
<b>Written statements</b>	Submission of written statements relevant to the topics of the ECOSOC's activities	GCS: statements of up to 2,000 words are disseminated in full; for longer ones, a summary is given ( <i>vide</i> § 31(d) of Resolution 1996/31).  SCS and Roster: statements of up to 500 words are disseminated in full; for longer ones, a summary is given ( <i>vide</i> § 31(e) of Resolution 1996/31).  An important requirement is to submit statements in one of the UN's official languages (English, French, Spanish, Russian, Arabic, and Chinese), after consultation with the Secretary General ( <i>vide</i> § 31 and 37 of Resolution 1996/31).
<b>Oral speeches</b>	Oral presentations at ECOSOC meetings	GCS: holds the right to make one statement (subject to Council approval) as well as one additional explanatory statement when an item is proposed ( <i>vide</i> § 32 of Resolution 1996/31).  SCS: can only be heard in the absence of an appropriate subsidiary body ( <i>vide</i> § 32a of Resolution 1996/31).
<b>Consultations</b>	The opportunity to hold consultations on matters of interest to both parties	Consultations can occur both at the request of NGOs as well as the Secretary General, who can require them to submit relevant documents and studies ( <i>vide</i> § 65 and 66 of Resolution 1996/31)
<b>Access</b>	The ability to access documents, press services, libraries, meeting rooms, and a seat at public meetings of the General Assembly dealing with economic and social topics	Granting appropriate access is within the Secretary General's authority ( <i>vide</i> § 67 of Resolution 1996/31).  The availability of meeting rooms makes it possible for NGOs with consultative status to hold side events during UN sessions.

Consultative status is a tool that gives NGOs broad powers and allows for their effective use.

As part of its activities on UN grounds, the Ordo Iuris Institute makes use of its special consultative status, among other things, by actively participating in committees, in particular the Commission on the Status of Women (CSW). Ordo Iuris representatives officially participate in meetings, including at the Human Rights Council in Geneva.

### Conditions for applying for consultative status with the UN

Consultative status is granted to an organization that:

1. has an international, regional, subregional, or national scope;
2. is non-governmental in nature (organizations established by governments or via intergovernmental agreement are not recognized as NGOs by the UN);
3. is not engaged in profit-seeking activities;
4. has objectives that are in line with the goals and principles of the UN Charter;
5. has existed for at least two years;
6. has an established headquarters, a democratically-adopted charter, a leadership that represents the organization externally, and a democratic decision-making process; and
7. derives its main source of income primarily from contributions made by its national branches and sections, as well as from individual members' contributions.

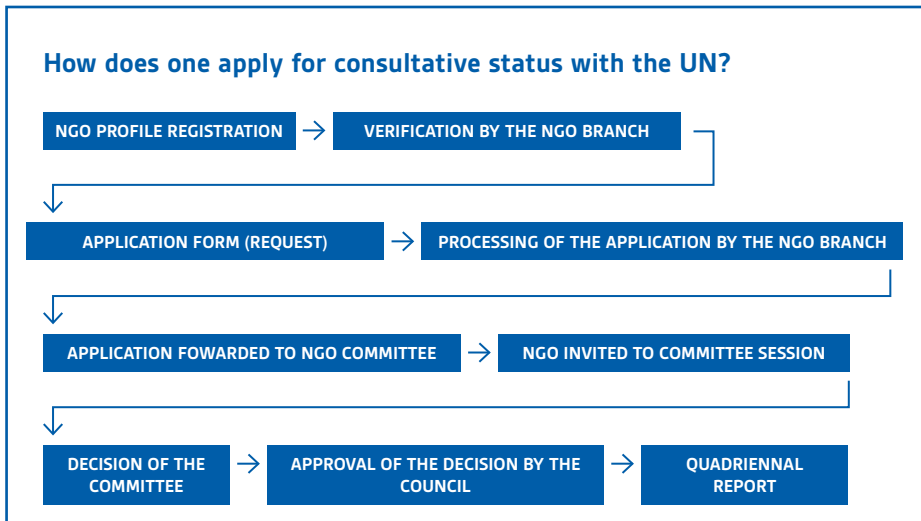
### Where and when should one apply for consultative status with the UN?

Consultative status is granted by the Economic and Social Council (ECOSOC) at the request of the Committee on Non-Governmental Organizations. This is a standing committee of the ECOSOC that was established in 1946<sup>4</sup>. It reports directly to the ECOSOC, and its two reports—one for its annual regular session (usually held at the end of January) and one for its renewed session (held in May)—contain draft resolutions or decisions on matters requiring Council action.

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4 For more on the NGO Committee, see: UN ECOSOC, <https://ecosoc.un.org/en/ngo/committee-on-ngos> (accessed: February 4, 2025).

Due to the deadlines noted above, complete applications for consultative status must be submitted by June 1 of the year in which the NGO wishes to be considered for recommendation by the Committee. The 2026 Committee will consider applications submitted by June 1, 2025. Applications received between June 2, 2025 and June 1, 2026 will be considered in 2027.



An application for consultative status with the UN can be submitted to ECOSOC online:

1. To do this, it is necessary to register the profile of the NGO in question on the website of the ECOSOC's NGO Branch. It takes about ten minutes to fill out the form, but it may take several days for the new profile to be verified.  
The registration form can be found at: [esango.un.org/civilsociety](https://esango.un.org/civilsociety) under Civil Society Participation → New profile: General.
2. After receiving an e-mail notification that the registration of the organization's profile has been accepted, it is then necessary to fill out the application form. This form contains 22 questions and is only available in English and French. A preview of this form is available on the ECOSOC's website.<sup>5</sup> A representative of the organization can complete **the form after logging in to its profile on the ECOSOC NGO Branch's website** (see above). To start filling out the application form, go to the "Consultation Status" tab. The required documents can be sent using the "Documents" tab.

<sup>5</sup> Questionnaire of the Application for Consultative Status with the Economic and Social Council (ECOSOC), <https://ecosoc.un.org/sites/default/files/NGO%20Page%20Files/Apply%20for%20Consultative%20Status/Application%20Questionnaire%20-%20Reference%20Only%20-%20English.pdf> (accessed: March 10, 2025).



3. As with the form itself, all required documents should be submitted in their original language, along with an English or French translation.

**The necessary documents are:**

- a copy of the NGO's constitution or charter, and/or the articles of incorporation or bylaws, as well as any amendments to these documents (in accordance with § 10 of ECOSOC Resolution 1996/31);
  - a copy of a certificate of registration that has been issued by a public authority (according to Resolution 1996/31, said organization "should attest that it has been in existence for at least two years as at the date of receipt of the application by the Secretariat"); and
  - a copy of its most recent financial statement (to verify that the bulk of the organization's funds come from contributions from national entities, individual members, and other non-governmental entities).
4. The NGO Branch may contact the applicant for further information or clarification during the period when the application is being processed. Once the review is complete, the proposal is prepared for the Committee's review. The applicant is then notified before the start of the relevant session.
  5. When an application becomes part of the Committee's program, a letter is sent to the applicant informing him or her of the upcoming session, and inviting him or her to send no more than two representatives to attend the session. The presence of representatives is not mandatory, nor does it confer any benefits. The invitation is merely an exercise of the organization's right to be present during the consideration of applications.
  6. The Committee issues its decision via an official notification that is sent to the applicant and then included in its report, which is tabled for the next ECOSOC meeting for its final approval.
  7. When the Council finally approves the Committee's recommendation to grant consultative status to an NGO, the Secretariat sends an official notification. Non-governmental organizations that are granted general or special consultative status must submit a brief report on their activities to the NGO Committee every four years, particularly concerning their contributions to the work of the United Nations (the so-called Quadrennial Report).

### How to get involved with the United Nations?

- **Any organization that meets certain conditions can apply for consultative status with the UN, and *de facto*, most NGOs do.**

- **Consultative status is granted by the Economic and Social Council (ECOSOC).**
- **It's worth applying, because then you can work with other organizations from around the world in order to shape international law.**
- **If you have any questions, we are happy to answer them and help!**

### 3.2. The Council of Europe (CoE)



Council of Europe. Source: Wikimedia Commons, [commons.wikimedia.org/wiki/File:Council\\_of\\_Europe\\_Palais\\_de\\_l%27Europe.JPG](https://commons.wikimedia.org/wiki/File:Council_of_Europe_Palais_de_l%27Europe.JPG), CC BY 3.0 (accessed: March 26, 2025).

Involvement in the Council of Europe is a strategic opportunity to shape standards affecting the lives of millions of people across 46 member states. As the guardian of the European Convention on Human Rights working with the support of the European Court of Human Rights and institutions such as the Parliamentary Assembly, the Committee of Ministers, and the Venice Commission, the Council of Europe issues dozens of documents annually. For example, in 2024, 56 Parliamentary Assembly resolutions were adopted, addressing issues such as the independence of the media, migrant rights, and justice system reforms. Although these documents are not legally binding, they exert very real pressure on governments to bring their laws and practices into line with the standards they indicate, often leading to specific legislative changes.

The Council of Europe began working with NGOs in 1952, when it first granted them consultative status. The CoE prefers cooperation with international non-governmental organizations (INGOs), which it defines as those which have members in at least

five CoE member states. This cooperation takes place through participation in the Council of Europe's Conference of INGOs, which was formally constituted in 2005. The Conference of INGOs is one of the so-called four pillars of the Council of Europe (the so-called quadrilogue). These are: the Committee of Ministers, the Parliamentary Assembly, the Congress of Local and Regional Authorities, and the Conference of International Non-Governmental Organizations of the Council of Europe.<sup>6</sup>

### The Council of Europe's INGOs Conference

The Council of Europe's INGOs Conference is a consultative body that brings together international NGOs from various CoE member states. Its goal is to foster cooperation between such entities and the Council of Europe, as well as to enable NGOs to influence the decision-making processes regarding issues of human rights or democracy.<sup>7</sup> The conference is the representative body of all INGOs that have participatory status in the Council of Europe.



### Participatory status for INGOs – powers and duties

International NGOs can obtain participatory status with the CoE. The granting of this status was regulated by Resolution of the Committee of Ministers of the RE No (2016)3.<sup>8</sup> Those international NGOs that are granted participatory status make up the above-mentioned Conference, which represents civil society in the Council of Europe. The conference meets at its General Assembly twice a year and works in committees on those topics that are a priority for the Council of Europe.

6 Response of the Secretary of State of the Ministry of Foreign Affairs—under the authority of the Minister—to interpellation No. 5128 on the mode of cooperation of the Council of Europe with NGOs, November 14, 2006, <https://orka2.sejm.gov.pl/IZ5.nsf/main/27D74292> (accessed: February 10, 2025).

7 INGOs Conference Regulations, <https://rm.coe.int/rules-of-procedure-reglement-adopted-161220-en-fr/1680a0cf32> (accessed: February 10, 2025).

8 Resolution CM/Res(2016)3, Participatory status for international non-governmental organizations with the Council of Europe <https://search.coe.int/cm?i=090000168068824c> (accessed: February 10, 2025).

**Organizations with participatory status are given a number of rights:**

1. they may address notes to the Secretary General;
2. they have access to the agenda as well as the Parliamentary Assembly's public documents in order to facilitate their participation in the Assembly's public meetings;
3. they are invited to attend public meetings of the Congress of Local and Regional Authorities and to participate in its work in accordance with the procedural rules;
4. they are invited to participate in seminars, conferences, and colloquia related to their work in accordance with the current Council of Europe regulations; and
5. they may be invited to join the parliamentary committees' work individually or through the Conference of INGOs, in accordance with the provisions of the Resolution of the Committee of Ministers CM/Res(2011)24;
6. they may be invited to provide, by virtue of their particular activities or experience, expert advice on Council of Europe policies, programs, and activities;
7. they may apply for inclusion on the list of NGOs that are authorized to file collective complaints under the Additional Protocol to the European Social Charter, which provides for a system of collective complaints;
8. they are invited to work closely with the Commissioner for Human Rights, in particular by providing him with any information they find useful in carrying out his mission to promote respect for human rights;
9. The Secretary General may consult them in writing or through a hearing on issues of mutual interest.

Participatory status also imposes certain obligations on organizations. In addition to obvious issues such as the promotion of and respect for conventions and other legal instruments of the Council of Europe, these particular obligations should be highlighted:

- to vigorously participate in the sessions and work of the INGOs Conference;
- to provide—on its own initiative or at the request of the Council of Europe's various bodies—information, documents, or opinions related to their areas of

competence in matters that are under consideration or of interest to the Council of Europe; and

- **to submit a report to the Secretary General every four years** which will present:
  1. the organization's participation in the work of the Council of Europe's various bodies (meaning its role and specific contribution);
  2. its participation in events organized by the Council of Europe (including its role, contribution, and any follow-up activities);
  3. its participation in and contribution to the INGOs Conference's sessions and work;
  4. any events it organized, especially those aimed at promoting the Council of Europe's goals, values, and legal instruments; and
  5. any actions taken by the organization to ensure respect for Council of Europe standards, as well as to publicize its work.

### Conditions for applying for participatory status

According to Resolution 2016(3), the Council of Europe may establish a working relationship with NGOs and grant them participatory status if they meet all of the following criteria:

1. they respect and defend the Council of Europe's values and principles;
2. they promote the achievement of closer unity through their activities, as referenced in Article 1 of the Statute of the Council of Europe;
3. they are formed on the basis of a constitutive act adopted in accordance with democratic principles;
4. they have a democratic structure and governance;
5. they are particularly representative of their area(s) of competence, which are areas of interest common to the Council of Europe;
6. they are represented at the European level (that is, they have members in at least five of the Council of Europe's member states);
7. they were established and commenced operations at least two years prior to applying for participant status;
8. they already have a working relationship with the Council of Europe;
9. they are capable of contributing to, and actively participating in, the Council of Europe's deliberations and activities; and
10. they can spread public awareness of the Council of Europe's activities.

## Where and when should one apply for participatory status?

Participant status is granted once a year. Applications for consideration in 2025 could be submitted up until February 28, 2025. Applications submitted after this date will be considered in 2026.

Applications for participatory status should be submitted via an official online form and accompanied by the relevant documents (see below for a list of the required documents) in the Council of Europe's official languages of the Council of Europe, i.e. French or English (it is preferable to submit documents in both languages).

The application form is available at: <https://eu.surveymonkey.com/r/DV6ZR8B>.

## How can one apply for participatory status?

An international NGO wishing to obtain participatory status shall submit an application to the Secretary General. The application form is available online (the hyperlink appears in the paragraph above).

The application must include the following documents (in French, English, or both):

1. articles of incorporation;
2. a list of member organizations, with a translation of the name of these organizations into French or English, as well as the approximate number of members in each country;
3. a report on activities as well as financial statements covering the previous two years; and
4. a statement confirming that the organization accepts the principles contained in the Statute and other basic legal acts of the Council of Europe.

After considering the application, the Secretary General shall forward the names of the organizations to which he intends to grant or deny participation status to the Standing Committee of the Conference of INGOs for its opinion. The Committee then has 30 calendar days to issue an opinion. The Secretary General's decision is then forwarded for tacit approval to the Committee of Ministers, the Parliamentary Assembly, and the Congress of Local and Regional Authorities. If there are no objections, the Secretary General's decision shall take effect 60 calendar days after the date of his communication.

An organization whose application for participatory status has been rejected, or which has lost its status, may submit a new application two years following the decision.

### How to get involved in CoE work?

- **Any organization with at least five members in Council of Europe member countries, and that meets the other requirements, can apply for participatory status with the CoE by filling out the form found at the link above.**
- **Participatory status is then decided on by the Council of Europe's Secretary General.**
- **It is worth applying for participatory status in order to be able to monitor the Council's work on an ongoing basis as well as to influence its decisions.**
- **If you have any questions, we are happy to answer them and help!**

## 3.3. The European Union (EU)



European Union flags in front of the European Commission headquarters in Brussels. Source: Adobe Stock.

The European Union is an example of a thriving international organization whose real power has outgrown those powers that are formally granted to it in its founding treaties. The EU's autonomous legal order expands each year in the form of thousands

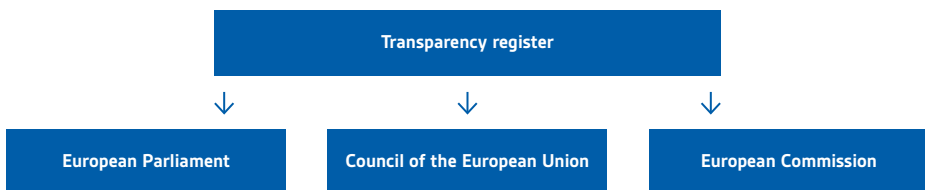


of new pieces of legislation that end up taking precedence over national laws. Giving the force of law to an act of secondary EU legislation can therefore have a more lasting effect in practice than getting it passed in a national parliament.

Declaration 23 in the Maastricht Treaty already emphasized the importance of the EU's dialogue with charities and those foundations that work in the field of social welfare. The Council of Wise Men, in its 1996 report on the future of civil and social rights in Europe, further concluded that both social and civil dialogue—which includes the NGO community—are essential for the promotion of fundamental rights. Finally, among the conclusions resulting from a series of public hearings that were held in 1998, a European Parliament committee pointed to the need for a structured dialogue between European institutions and those NGOs that are represented at the European level. To this end, it was recommended that a list of organizations which would be consulted by the European Commission should be developed. The Commission unequivocally rejected this suggestion, however, arguing that its intention was always to keep its dialogue as open as possible without creating any accreditation system.<sup>9</sup>

### The transparency register

The EU has not introduced any accreditation system for those NGOs that wish to engage in advocacy within its structures. However, organizations that want to engage in dialogue (via the consultation process)—whether in the framework of the European Parliament, the Council of the European Union, or the European Commission—must appear in the transparency register.



The transparency register is a database containing a list of interest-group representatives (organizations, associations, groups, and self-employed individuals) who

9 M. Mendza-Drozd, *The issue of public consultation in the European Union. Analysis of selected institutions and documents*, Warsaw 2010, p. 9, [https://partycypacjaoobywatelska.pl/wp-content/uploads/2015/08/2b\\_konsultacje\\_ue\\_raport.pdf](https://partycypacjaoobywatelska.pl/wp-content/uploads/2015/08/2b_konsultacje_ue_raport.pdf) (accessed: February 10, 2025).



engage in activities aimed at influencing EU policy and decision-making. It also contains information allowing citizens to find answers to questions such as what interests are represented at the EU level, who represents them, and on whose behalf, as well as what funds are allocated for such activities (including financial support, donations, sponsorships, etc.).

After being listed in the transparency register, an NGO is given the opportunity to participate in consultations on specific draft legislation, strategies, and other documents that are posted in the database, including commentary on action plans, by submitting its relevant official position or opinion.

Registered entities can also apply for permission to enter European Parliament buildings.

### How can I get registered in the transparency register?

Organizations can register online through a form that is available on the transparency registry's website.<sup>10</sup>

The framework and operating principles underlying the EU institutions' coordinated approach to transparent and ethical representation of interest groups through a mandatory transparency register are set out in the Interinstitutional Agreement of May 20, 2021.<sup>11</sup>

The information to be provided—and updated annually—in the registry is as follows:

1. the name of the entity, the address of its headquarters, and the address of its EU relations office (if different from the headquarters address), as well as contact information and its website address,
2. the entity's legal form,
3. and the interest group it represents;
4. confirmation that the applicant is acting in accordance with the Code of Conduct (the Code is found in Appendix 1 to the Interinstitutional Agreement),

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10 EU, Transparency Registry, [https://transparency-register.europa.eu/searchregister-or-update\\_pl](https://transparency-register.europa.eu/searchregister-or-update_pl) (accessed: March 10, 2025).

11 Interinstitutional Agreement of 20 May 2021 between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register, OJ L 207, 11.06.2021, p. 1–17, [https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=uriserv:OJ.L\\_.2021.207.01.0001.01.POL](https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=uriserv:OJ.L_.2021.207.01.0001.01.POL) (accessed: February 10, 2025).

5. The first and last name of the entity's legal representative must be included as well, plus that of the person responsible for relations with the EU,
6. and the annual estimated number of persons (full-time equivalent, FTE) engaged in the activities covered by the agreement in the following FTE fractions: 10%, 25%, 50%, 75%, or 100%.
7. The organization's objectives, the scope of its operations, its areas of focus and geographic scope of operations must be described, plus
8. those organizations to which the registered entity belongs and the entities with which it is affiliated.
9. The members of the registered entity as well as its affiliations with relevant networks and associations must be listed,
10. in addition to the specific EU legislative proposals, policies, or initiatives with which the activities covered by the agreement relate.
11. Membership in the Commission's expert groups (in this case, the data are automatically completed) and other EU-supported forums and platforms must be named,
12. as well as membership in, support for, and participation in intergroups or other informal bodies organized in the European Parliament buildings,
13. the names of those persons who are authorized to enter the European Parliament buildings (the names of those who have received a pass to the European Parliament's buildings are automatically included in the register).

In addition, registered entities, including intermediaries, must state the amount and sources of the financial support they receive from the EU that is intended to cover their operating costs. This amount should be given in euros.

Registered entities promoting their own interests or the collective interests of their members to signatory institutions shall provide up-to-date estimates of the annual costs associated with the implementation of those activities covered by the agreement. Estimates of annual costs must cover a full year of operations and refer to the last closed fiscal year on the date of entry in the register, or else on the date of the annual update of the detailed information contained in the register.

Registered entities that do not represent commercial interests shall present the total budget in the last closed fiscal year as well as their main sources of funding by category (EU funding, public funds, grants, donations, membership fees, etc.) and the amount of each contribution received, along with the name of the contributor if

the contribution exceeds 10% of their total budget and amounts to more than EUR 10,000.

According to Article 6 of the agreement, an applicant that has submitted a completed application for the registry is eligible for registration if the entity performs activities within the scope of the agreement and complies with the Code of Conduct set forth in Annex I (hereinafter "the Code of Conduct"). Upon admission to the registry, the applicant becomes a registered entity.

### How to get involved with the EU?

- **If you want to participate in the EU's consultation process, you must be included in the transparency register.**
- **After being listed in the transparency register, an NGO is given the opportunity to participate in consultations on specific draft legislation, strategies, and other documents that are posted in the database, including commentary on action plans, by submitting its relevant official position or opinion.**
- **Registered entities can also apply for permission to enter European Parliament buildings.**
- **If you have any questions, we are happy to answer them and help!**

## 3.4. The Organization of American States (OAS)

The Organization of American States (OAS) is an international organization of countries across North, Central, and South America. It was founded in 1948 in Bogotá, Colombia under the Charter of the Organization of American States. The OAS' main goal is to promote cooperation among its member states, strengthen peace and security in the region, and support democracy, human rights, economic development, and conflict resolution. The OAS currently has 35 member states, including the United States, Canada, Mexico, Brazil, Argentina, and other Latin American and Caribbean countries.

The organization is headquartered in Washington, DC and its activities include election observation, mediation in international disputes, and coordination on issues such as trade and environmental protection.

## Opportunities for NGO participation in the OAS' activities

The basic condition for NGO involvement in the OAS is being a civil society organization (CSO). By “civil society organization,” the OAS means any national or international institution, organization, or entity composed of natural or legal persons of a non-governmental nature.<sup>12</sup>

The participation of civil society organizations in the OAS' activities is welcome, but should not be interpreted as granting negotiating powers that are the exclusive domain of States, and should not change the intergovernmental nature of OAS bodies, agencies, and entities.<sup>13</sup>

There are three ways for an NGO to get involved in the OAS:

1. An NGO can register with the Organization of American States as a CSO, which provides the most opportunities for action.
2. NGOs can participate in the OAS' work without registration, but they must apply for special guest status each time they wish to attend meetings of the General Assembly, the Permanent Council, the Inter-American Council for Integral Development (CIDI), and other specialized conferences of the OAS.
3. NGOs can also sign cooperation agreements with the OAS General Secretariat in order to develop joint programs.

## Registration as a civil society organization (CSO)

NGOs can officially register with the OAS as civil society organizations (CSOs).

The registration process requires submitting an application and meeting certain criteria. This issue is comprehensively regulated by the Guidelines for Civil Society Organization Participation in OAS Activities (CP/RES. 759 (1217/99)).

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12 Paragraph 2, CP/RES. 759 (1217/99), GUIDELINES FOR THE PARTICIPATION OF CIVIL SOCIETY ORGANIZATIONS IN OAS ACTIVITIES, <https://www.oas.org/legal/english/CoopRelations/CoopRelations3.htm> (accessed: April 9, 2025), hereinafter: “Guidelines”.

13 Cf. Guidelines, Section 4(d).

The criteria for those NGOs that are eligible to register are:

- non-profit status,
- carrying out activities in line with the goals of the OAS, and
- outreach in OAS member countries.

### What does registration as a CSO with the OAS provide?

Rights of civil society organizations registered with the OAS<sup>14</sup>:

1. They can attend public meetings of the Permanent Council, the Inter-American Council for Integral Development (CIDI), and their subsidiary bodies.
2. They may submit written positions and opinions on topics related to meetings of the Permanent Council or the CIDI. These documents should not exceed the limit of 2,000 words (texts exceeding 2,000 words must be accompanied by executive summaries, which the General Secretariat will distribute).
3. They may make a presentation at the beginning of a meeting, although this is subject to approval by the relevant Permanent Council Committee or the CIDI.
4. They have access to draft resolutions and/or resolutions adopted by the General Assembly, and possess the authority to comment on them.
5. They receive, ex officio, the resolutions adopted by the OAS General Assembly at its regular annual session.
6. With the President's approval, they may attend closed meetings of the Permanent Council, the CIDI, and their political bodies,
7. CSOs may receive documents before meetings of working groups or specialized groups of either the Permanent Council or the CIDI. With prior authorization, CSOs may also draft a statement and forward it to member states for consideration.
8. They can apply for funding from the Specific Fund to Support the Participation of Civil Society Organizations in OAS Activities, as well as in the Summits of the Americas Process.

14 See Civil Society Registry, [https://www.oas.org/en/ser/dia/civil\\_society/registry.shtml](https://www.oas.org/en/ser/dia/civil_society/registry.shtml) (accessed: April 9, 2025).

## The process of registering as a CSO

Registration as a civil society organization (CSO) is carried out using an online form that is available on the [www.oas.org](http://www.oas.org) website.

The required documents include:

- articles of incorporation;
- proof of its non-profit status;
- its financial statements for the previous year;
- a cover letter describing the organization's goals and how they align with the OAS' mission.

The application is directed to the Relations with Civil Society Section, which operates within the Secretariat for Access to Rights and Equity. You can submit an application via email or traditional mail to the headquarters in Washington (1889 F Street, N.W., Washington, D.C. 20006, USA).

After approval by the Committee on Policies for Development Policies (CPDP), the organization receives CSO status.

The processing time takes from two to six months, depending on the completeness of the documentation and the schedule of the Council's meetings, although applications are accepted year-round.

The necessary documents should be prepared in one of the OAS' official languages: English, Spanish, Portuguese, or French.

## The OAS' goals

Successful registration as a CSO with the OAS depends, among other things, on the performance of activities that are consistent with the OAS' goals. The OAS regularly updates its priorities based on General Assembly resolutions as well as the region's current challenges.

Among the OAS' current priorities are:

- Strengthening democracy (promoting democratic accountability through election observation and support for democratic institutions).

- Implementing the Inter-American Democratic Charter in response to threats to the rule of law, such as in Nicaragua and Venezuela.
- The protection of human rights (via both the protection and promotion of human rights, with particular attention being paid to especially vulnerable groups, such as women or migrants).
- Strengthening the role of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.
- Combating organized crime, drug trafficking, and terrorism (which is the purview of the Inter-American Committee against Terrorism, or CICTE).
- Responding to humanitarian and political crises, such as in Haiti (specifically following the assassination of President Moïse in 2021) and Venezuela (as a result of the pressure being put on the Maduro government).
- Mediating border disputes and promoting dialogue between states.

#### How to get involved in the activities of the Organization of American States?

- **Any civil society organization (CSO) can participate in the OAS' work. Registering as a CSO with the OAS offers the most opportunities.**
- **The registration process is completed by filling out the web form (link above).**
- **It is well worth getting involved in the OAS' activities, as you can monitor what it does as well as influence the development of international law pertaining to the right to life, liberty, and family protection.**
- **If you have any questions, we are happy to answer them and help!**

### 3.5. The African Union (formerly the Organization of African Unity, or OAU)

The African Union (AU) was formed as a result of the transformation of the Organization of African Unity (OAU), an international organization that existed from 1963 to 2002. The African Union brings together 55 countries, and it was established on July 9, 2002 at a summit in Durban. Its headquarters is in Addis Ababa.

## Opportunities for NGO involvement in the AU's activities through the ECOSOCC

NGOs can engage in the African Union's work, although their role is mainly supportive and consultative. The AU particularly works with NGOs on issues such as human rights, development, and peace.

A key AU body that enables cooperation with NGOs is the Economic, Social and Cultural Council (ECOSOCC). The ECOSOCC was established under Article 22 of the AU Constitutive Act and is tasked with involving civil society organizations, including NGOs, in the Union's decision-making processes. It is made up of representatives from various sectors, such as NGOs, professional groups, and the African diaspora.

NGOs can apply for membership status in the ECOSOCC if they meet certain criteria, namely:

- they are registered in at least one AU member state, and **at least 50% of the organization's founders or members are from AU member states;**
- they work toward goals that are consistent with the AU's mission;
- they have financial and organizational independence.

## Partnerships

In addition to the ECOSOCC, NGOs often collaborate with the AU on specific programs or partnerships, such as the implementation of Agenda 2063 or humanitarian projects. They can participate in consultations, provide reports (for example, on a human-rights situation), organize events that run parallel to the AU's summits, or support peacekeeping missions through grassroots activities.

An organization should utilize its own contacts to initiate such cooperation.

## The ECOSOCC registration process

In order for an NGO to obtain membership status in the Economic, Social and Cultural Council (ECOSOCC) of the African Union, it must meet certain requirements and complete the formal application process that is described below:

1. The NGO must be registered as such in at least one AU member state. Proof of its legal operation (such as a certificate of registration) is needed.



2. The NGO's activities must be consistent with the AU's goals and principles as stated in the AU Constitutive Act, such as promoting unity, peace, human rights, or development.
3. **At least 50% of the organization's founders or members must be from AU member states.**
4. The organization should work for the interests of Africa and its people.
5. **The NGO must demonstrate that at least 50% of its funds come from its members' own contributions or other internal sources (from Africa), rather than from external donors.** This is to ensure autonomy from influences outside the continent.
6. The organization must have a transparent organizational structure, democratic decision-making processes, and regularly-elected authorities.
7. The NGO should have operated for at least three years prior to the date of its application; this confirms its credibility and experience.

### Application process for the ECOSOCC

The application form is available on the AU's website.

The applicant should include:

- a copy of the organization's charter,
- its certificate of registration in an AU member state,
- financial statements for the previous two to three years that show its sources of income,
- an activity report that describes its projects to date as well as their impact, and
- a cover letter in which the NGO explains why it wants to join the ECOSOCC and how it can contribute to the AU's goals.

These documents shall be submitted to the ECOSOCC Secretariat at the AU's headquarters in Addis Ababa.

The application will then be reviewed by the ECOSOCC's Qualification Committee, which verifies compliance with all of its criteria. If the application passes verification, the NGO's candidacy is then presented to the ECOSOCC General Assembly, which makes the final decision by voting. Once approved, the NGO gains membership status and can participate in the ECOSOCC's work—in sessions, committees, and consultations.

This process can take several months, depending on the ECOSOCC's meeting schedule and the completeness of the NGO's documentation.

**Important!** There is a limit to the number of the ECOSOCC's seats (150 members, including two representatives from each member state, ten from the regional level, and eight from the diaspora).

NGOs with accreditation in ECOSOCC are given the right to participate in meetings, make proposals, and cooperate with other AU bodies. The NGO has no decision-making power, however, as this is the sole purview of the member states.

### How to get involved with the African Union?

- **Organizations registered in an African country and that are free from control by organizations from outside the continent can apply for consultative status with the African Union's ECOSOCC.**
- **Consultative status is granted by the Economic and Social Council (ECOSOCC).**
- **It is well worth applying, because an NGO with accreditation in the ECOSOCC acquires the right to participate in its meetings, make proposals, and cooperate with other AU bodies.**
- **If you have any questions, we are happy to answer them and help!**

## 4. International courts and tribunals that allow NGO participation

Involvement in international human rights tribunals, such as the European Court of Human Rights, the Inter-American Court of Human Rights, the African Court on Human and Peoples' Rights, and the International Criminal Court (ICC), is a noble expression of dedication to justice and the protection of inalienable human rights. These institutions, which act as the global arbiters of international law, handle the most serious violations, from acts of discrimination to crimes against humanity. This allows them to set precedents that permanently shape the international legal order. For lawyers and activists, cooperating with them—by representing victims, filing amicus briefs, or monitoring their proceedings—is not only an opportunity to directly influence a ruling via a case's legal arguments, but to shape an entire line of jurisprudence in the long term.

### 4.1. The European Court of Human Rights (ECHR)



European Court of Human Rights. Source: Wikipedia, [en.wikipedia.org/wiki/European\\_Court\\_of\\_Human\\_Rights#/media/File:European\\_Court\\_of\\_Human\\_Rights.jpg](https://en.wikipedia.org/wiki/European_Court_of_Human_Rights#/media/File:European_Court_of_Human_Rights.jpg), CC BY-SA 3.0 (accessed: March 26, 2025).

The Convention for the Protection of Human Rights and Fundamental Freedoms (Convention)<sup>15</sup> stipulates in Article 36(2) that “[t]he President of the Court may, in the interest of the proper administration of justice, invite [...] any person concerned who is not the applicant to submit written comments or take part in hearings.”

Implementing Article 36(2) of the Convention, Rule 44 of the Rules of Court of the ECHR<sup>16</sup> regulates how a third party—including an NGO—can intervene in its proceedings as a third-party intervener and present a so-called *amicus* brief (or *amicus curiae* brief).

### **When can a request be made to obtain permission to submit written comments or participate in a hearing?**

It is within the discretion of the President of the Chamber to decide whether, after formal notice of a complaint, he decides in a given case to invite other states parties to the Convention or other interested persons to submit written comments and sometimes to participate in the hearing.

**Requests for permission to submit written comments must be presented no later than 12 weeks after publication in the Court’s case-law database, HUDOC, of information about the transmission of the notice of complaint to the Contracting Party.**

**Requests to participate in the hearing before the Chamber must be submitted no later than four weeks after publication on the Court’s website of the Chamber’s decision to hold the hearing.**

### **Application requirements**

Importantly, the first step is to file the application for permission to submit an opinion or participate in the hearing. Only after receiving a positive response can an organization present its opinion to the Court in a subsequent letter.

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15 Convention for the Protection of Human Rights and Fundamental Freedoms, adopted in Rome on 4 November 1950, subsequently modified by Protocols Nos. 3, 5, and 8, and complemented by Protocol No. 2.

16 Rules of Court of the European Court of Human Rights, entered into force in Strasbourg on 28 March 2024.

The request for permission to submit written comments or participate in the hearing must be duly justified. It should demonstrate that the NGO wishing to join the proceedings as an intervening party can make a substantive contribution to the assessment of the factual and legal situation in question. If the Court has previously allowed an organization to submit written comments in another case, it is worth making reference to those proceedings. If it has already submitted similar opinions and observations to other international courts and tribunals, or is accredited in significant international organizations (such as the UN or the Council of Europe), it is worth highlighting this fact in the application to the Court.

The request must be submitted in writing in one of the Court's official languages, namely French or English. Although Rule 34(4) of the ECHR's Rules of Procedure stipulates that the President of the Chamber may permit the use of one of the State party's official languages in oral and written statements, this implies an obligation to submit a written translation of these statements into one of the official languages of the Court within the period specified by the President of the Chamber. Submitting an application or opinion in a language other than English or French is thus completely pointless in such an arrangement.

### What happens after written comments are submitted?

Written comments submitted by intervening parties shall be sent by the Chief of the Chancellery to the parties in the case. This person will be entitled, subject to those conditions set by the President of the Chamber such as time limits, to submit written comments in response, or—where appropriate—to respond at the hearing itself. The judgments rendered by the ECHR shall list those entities whose comments the Court allowed in that particular case.

#### How to engage with the ECHR?

- In order to promote the defense of human rights before the ECHR, you must file a request for permission to present your *amicus curiae* opinion.
- After obtaining the president's approval, submit in writing an *amicus curiae* position on the selected case, presenting the legal arguments for the case in question.
- You can also participate in joint positions (*amicus curiae* briefs) prepared by other organizations.

## 4.2 The Court of Justice of the European Union (CJEU)



Court of Justice of the European Union. Source: Wikipedia, en.wikipedia.org/wiki/European\_Court\_of\_Justice#/media/File:Palais\_de\_la\_Cour\_de\_Justice\_CJEU\_March\_2023\_Sign,\_Towers\_C,B\_and\_A\_and\_the\_Anneau\_buiding.jpg, CC BY-SA 3.0 (accessed: March 26, 2025).

In analyzing the possible forms of NGO involvement in the proceedings of the Court of Justice of the European Union (CJEU), it is first necessary to point out the different types of proceedings that can take place before the Court.

Types of proceedings that may take place before the CJEU:

1. preliminary ruling proceedings initiated as a result of preliminary questions submitted to the CJEU by the member states' national courts;
2. proceedings initiated through direct actions (action for failure to fulfill obligations, actions for annulment, or action for failure to act brought against EU institutions, as well as other direct actions); or
3. proceedings pertaining to appeals against CJEU rulings.

The type of proceedings we are considering determines whether an NGO can join them as a third party.

## Preliminary ruling proceedings

The CJEU's statute<sup>17</sup> does not provide for the participation of third parties (other than those expressly mentioned in Article 23, such as for example the European Parliament or the European Central Bank) in preliminary ruling proceedings. It also means that there is no possibility for interested NGOs to submit their positions or *amicus curiae* opinions. **This does not mean that the participation of a third party in such proceedings is always excluded, however.**

### 1. A non-governmental organization that has participated in the proceedings in the national court

Article 23 of the CJEU's statute indicates that a party has the right to submit petitions and written comments. In accordance with the case law of the CJEU itself, the term 'parties' in this article refers exclusively to the parties to the proceedings pending before the national court.<sup>18</sup> Thus, a person who has not applied for leave to intervene before the national court or has not been granted such leave is not entitled to submit observations to this Court on the basis of this provision.<sup>19</sup>

This means that, in order for an NGO that is interested in a particular case to participate in the CJEU's proceedings, it must appear before the CJEU as a party. For this, the third party must either become a party to the dispute or a third-party intervener at the national level. **Thus, if we participate in the dispute at the national level, we can also participate before the CJEU.**

The method in which the NGO intervenes in the proceedings before the national court at a stage when said court has not yet referred questions to the CJEU for a preliminary ruling should be considered a recommended course of action. In such a case, the NGO can certainly participate in all of the proceedings before the CJEU and also submit its comments in writing.

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17 Statute of the Court of Justice of the European Union, [https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-08/statut\\_cour\\_pl.pdf](https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-08/statut_cour_pl.pdf) (accessed: February 10, 2025).

18 Case 62/72, *Bollmann v. Hauptzollamt Hamburg-Waltershof*, [1973] ECR. 269, para. 4.

19 Case C-181/95, para. 6. Similarly, see cases C-403/08 and C-429/08.

## 2. A non-governmental organization that did not participate in the proceedings before the national court

It is also possible to join the main proceedings after the national court has already referred questions to the CJEU for a preliminary ruling. In such a case, Article 97(2) of the Rules of Procedure of the CJEU<sup>20</sup> apply.

§ 2 of Article 97 of the Rules of Procedure of the CJEU<sup>21</sup> provides that: “Where the referring court or tribunal informs the Court that a new party has been admitted to the main proceedings, when the proceedings before the Court are already pending, that party must accept the case as he finds it at the time when the Court was so informed. That party shall receive a copy of every procedural document already served on the interested persons referred to in Article 23 of the Statute.”

Thus, if a third party (NGO) joins the national proceedings after the preliminary questions have already been referred, it has the right to join the proceedings before the CJEU as well.

Note, however, that if one becomes a party to the proceedings before the CJEU after the deadline for submitting written comments has already passed, and a hearing has been scheduled in the case, the third party will not be entitled to submit written comments. Said organization will still be able to participate in the trial, however.

### Direct complaints and appeals against first-instance rulings

The possibilities for third parties, including NGOs, to intervene in proceedings initiated by direct action or in appeals of the Court’s judgments are broader than in preliminary ruling proceedings.

Article 40 of the CJEU Statute stipulates that the right to intervene is available to any person if he or she can justify an interest in the outcome of a case that has

20 Rules of Procedure of the Court of Justice, Official Journal L 265 of September 29, 2012, [https://eur-lex.europa.eu/eli/proc\\_rules/2012/929/oj/eng](https://eur-lex.europa.eu/eli/proc_rules/2012/929/oj/eng) (accessed: February 10, 2025).

21 *Ibid.*



been submitted to the CJEU. Such a person may not intervene in matters pending between member states, EU institutions, or member states and EU institutions, however.

Article 40 of the CJEU Statute reads: “Member States and the institutions of the Union **may intervene in cases before the Court of Justice.**

The same right shall be open to the bodies, offices and agencies of the Union and **to any other person which can establish an interest in the result of a case submitted to the Court.** Natural or legal persons shall not intervene in cases between Member States, between institutions of the Union or between Member States and institutions of the Union.

Without prejudice to the second paragraph, the States, other than the Member States, which are parties to the Agreement on the European Economic Area, and also the EFTA Surveillance Authority referred to in that Agreement, may intervene in cases before the Court where one of the fields of application of that Agreement is concerned. **An application to intervene shall be limited to supporting the form of order sought by one of the parties.”**

According to the CJEU’s well-established position, “interest in the result of a case” should be understood as a clear and present interest in the outcome of the claims made in the case, and not as an interest in the allegations or arguments raised. As a rule, an interest in the outcome of the case can be considered sufficiently direct only if the outcome can change the legal situation of the person who is seeking permission to intervene.<sup>22</sup>

It is also important to remember that intervention is very limited. An intervener can only support, in whole or in part, the claims of one of the parties. He cannot make his own claims.<sup>23</sup>

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22 See the order of the President of the CJEU of March 10, 2023, C-611/22 P, para. 7.

23 Cf. the CJEU judgment of February 4, 2020, C-515/17 P.

### How to get involved with the CJEU?

- When it comes to preliminary ruling proceedings, if we participate in the dispute at the national level, we can also participate through the CJEU and submit written comments.
- If we have not participated in the litigation, but we successfully declare our participation following preliminary questioning, we have the right to join the proceedings before the CJEU as well.
- In direct-action proceedings or in appeals against the Court's judgments, the right to intervene is available to anyone if he or she can demonstrate an interest in the outcome of the case that has been submitted to the CJEU.
- "Interest in the result of a case" should be understood as a clear and present interest in the outcome of those claims that have been made in the case, and not as an interest in the allegations or arguments raised.
- It should nevertheless be noted that an application to intervene is limited to supporting the demands of one of the parties.
- If you have any questions, we are happy to answer them and help!

### 4.3. African Court on Human and Peoples' Rights (AfCHPR)



**African Court**  
on Human and Peoples' Rights

Involvement in the work of the African Court on Human and Peoples' Rights is a unique opportunity to contribute to the protection of human rights in a continent possessing rich cultural diversity and complex socio-political challenges. As a key body established by the African Charter on Human and Peoples' Rights, the Court hears cases involving violations of individual and community rights, ranging from instances of discrimination to violations of collective rights, thus establishing precedents that strengthen regional standards of justice.

## An NGO as an expert organization

Rule 36 of the African Court Rules of Court<sup>24</sup> provides that the Court may also, if it deems it necessary, hear a case in accordance with Rule 56 of the Rules of Court—which specifies how to summon and hear, among other experts, an individual or non-governmental organization that has initiated communications before the Commission in accordance with Article 55 of the African Charter on Human and Peoples' Rights.<sup>25</sup>

The NGO's ability to participate as an expert in the proceedings is therefore contingent on possessing observer status with the African Commission on Human and Peoples' Rights.

### How do I obtain observer status with the African Commission on Human and Peoples' Rights?

The Commission has granted NGOs observer status since 1988. NGOs play an important role in the Commission's activities. First and foremost, they bring violations of the Charter to the Commission's attention, conduct communications on behalf of individuals, monitor countries' compliance with the Charter, and help raise awareness of the Commission's actions through conferences and other activities. NGOs participate in the Commission's public sessions and engage in the reporting procedure by submitting parallel reports and disseminating final comments. NGOs with observer status with the Commission are required to report on their activities every two years.

In turn, this status can be obtained by submitting a direct, written application to the Commission, as the procedure is not strictly formalized.

Article 45 of the African Charter on Human and Peoples' Rights defines the Commission's mandate as follows: promoting human rights, protecting human rights, interpreting the provisions of the African Charter, and any other tasks that the OAU (Organization of African Unity) may assign to the Commission.

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24 Rules of Court, <https://www.african-court.org/wpafc/wp-content/uploads/2021/04/Rules-Final-Revised-adopted-Rules-eng-April-2021.pdf> (accessed: February 10, 2025).

25 African Charter on Human and Peoples' Rights, October 21, 1986, <https://achpr.au.int/en/charter/african-charter-human-and-peoples-rights> (accessed: February 10, 2025).

In order to carry out its tasks and increase its effectiveness, the Charter also permits the Commission to cooperate with other human-rights partners. Article 45 stipulates that the Commission will cooperate with other African and international institutions that are dedicated to the promotion and protection of human and peoples' rights. **Pursuant to this article, the African Commission on Human and Peoples' Rights has granted observer status to at least 231 human-rights NGOs since its inception.**<sup>26</sup>

### An NGO as a witness or representative of a party in the proceedings

According to Rule 30(3) of the AfCHPR Rules of Court, “[t]he oral proceedings shall consist of a hearing of the parties, their representatives, witnesses, experts or such other persons as the Court may decide to hear.” The participation of NGOs in the proceedings is thus not prohibited. Moreover, according to the regulations’ wording, such an organization may represent a party to the proceedings. The Registrar of the Court is even required to maintain and update a list of, among other things, NGOs that can be of assistance to parties to proceedings before the Court (cf. Rule 21(2)(R) of the Rules of Court).

### An NGO as an initiator of proceedings before the Court

The Protocol establishing the Court<sup>27</sup> explicitly indicates in Article 5(3) that the Court may authorize relevant non-governmental organizations with observer status before the Commission and individuals to initiate cases directly, in accordance with Article 34(6) of this Protocol—according to which state parties undertake to accept such cases. It is worth noting that the power given by the Court to NGOs is exceptionally broad and, unlike in other organizations and tribunals, lacking a number of strictures.

26 Resolution on the Cooperation between the African Commission on Human and Peoples' Rights and NGOs having Observer Status with the Commission – AfCHPR/Res.30(XXIV)98, <https://achpr.au.int/en/adopted-resolutions/30-resolution-cooperation-between-african-commission-human-and-people> (accessed: February 10, 2025).

27 Protocol to the African Charter in Human and Peoples Rights on the Establishment of an African Court on Human and Peoples' Rights, <https://www.african-court.org/wpafc/wp-content/uploads/2020/10/2-PROTOCOL-TO-THE-AFRICAN-CHARTER-ON-HUMAN-AND-PEOPLES-RIGHTS-ON-THE-ESTABLISHMENT-OF-AN-AFRICAN-COURT-ON-HUMAN-AND-PEOPLES-RIGHTS.pdf> (accessed: February 10, 2025).

## How to get involved with the AfCHPR?

- Register as an observer with the African Commission on Human Rights by submitting a written application to the Commission's address.
- It is worth applying, as such status grants the right to participate in proceedings, represent parties, submit proposals, and act as an expert.
- If you have any questions, we are happy to answer them and help!

## 4.4. Inter-American Court of Human Rights (I/A Court H.R.)



# Inter-American Court of Human Rights

The Inter-American Court of Human Rights was established in 1978. The norms under which it performs its functions are contained in three instruments: the Convention<sup>28</sup>, the Statute of the Court, and the Rules of Procedure.<sup>29</sup>

Article 44 of the American Convention on Human Rights states that: "Any person or group of persons, or any nongovernmental entity legally recognized in one or more member states of the Organization, may lodge petitions with the Commission containing denunciations or complaints of violation of this Convention by a State Party."

**From the wording of Article 44 of the Convention, the Court derives the right of any person and any institution to present an *amicus curiae* opinion in any case**

28 American Convention on Human Rights – "Pact of San José, Costa Rica" (B-32), [https://www.oas.org/dil/treaties\\_b-32\\_american\\_convention\\_on\\_human\\_rights.pdf](https://www.oas.org/dil/treaties_b-32_american_convention_on_human_rights.pdf) (accessed: February 10, 2025).

29 M. Gołaś-Podolec, *Porównanie Europejskiego i Interamerykańskiego systemu ochrony praw człowieka*, *Krakowskie Studia Międzynarodowe* 2008, No. 2, p. 5–7.

**pending before the Court.** The only requirement for those wishing to submit a position paper is to send it by email to [tramite@corteidh.or.cr](mailto:tramite@corteidh.or.cr) along with the identity of the person making the request as well as his or her signature.

#### How to get involved with the I/A Court H.R.?

- **Submit in writing an amicus brief in a particular case, documenting your recognized legal status in at least one member state.**
- **If you have any questions, we are happy to answer them and help!**

### 4.5. The International Court of Justice (ICJ)



International Court of Justice Source: [Wikipedia, en.wikipedia.org/wiki/International\\_Court\\_of\\_Justice#/media/File:La\\_haye\\_palais\\_paix\\_jardin\\_face.JPG](https://en.wikipedia.org/wiki/International_Court_of_Justice#/media/File:La_haye_palais_paix_jardin_face.JPG), CC BY-SA 4.0 (accessed: March 26, 2025).

The Statute of the International Court of Justice (ICJ) does not provide for NGOs to participate as parties in proceedings before the Court. It is nevertheless possible for NGOs to participate in court proceedings before the Court through amicus briefs or as experts. Admission in such capacities is generally based on the Court's discretion.

## An opinion of *amicus curiae* (amicus brief)

Article 34(2) of the Statute of the International Court of Justice (ICJ Statute) states that: "The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative."

The ICJ has repeatedly stressed that an opinion provided by such organizations should be one of an *amicus curiae* ("friend of the court") and not that of a "friend of a party." This means that such opinions should evaluate not the factual elements of a case, but rather its legal aspects.<sup>30</sup>

In 2001, the ICJ adopted a document entitled "Practice Direction"<sup>31</sup> which, in principle, dispels doubts about the meaning the ICJ assigns to NGO-led opinions.

### **Practice Direction XII states:**

1. Where an international non-governmental organization submits a written statement and/or document in advisory proceedings on its own initiative, such statement and/or document is not to be considered part of the case file.
2. Such statements and/or documents shall be treated as publications readily available and may accordingly be referred to by States and intergovernmental organizations presenting written and oral statements in the case in the same manner as publications in the public domain.
3. Written statements and/or documents submitted by international non-governmental organizations will be placed in a designated location in the Peace Palace. All States as well as intergovernmental organizations presenting written or oral statements under Article 66 of the Statute will be informed as to the location where statements and/or documents submitted by international non-governmental organizations may be consulted.

30 *Prosecutor v. Milošević*, Case No. IT-2-54-AR73.6, Decision on the interlocutory appeal by the amicus curiae against the Trial Chamber Order concerning the presentation and preparation of the defense case (January 20, 2004). Cf. dissenting opinion of Judge Shahabuddeen, p. 15.

31 *Practice Directions*, <https://www.icj-cij.org/practice-directions> (accessed: February 10, 2025).

Opinions of *amici curiae* can be provided by an NGO without registering or meeting formal conditions. Only after the delivery of the opinion does the ICJ subject the opinion and its authors to review for compliance with the criteria laid out in Article 34(2) of the ICJ Statute.

### Expert opinion

An NGO can also be appointed by the ICJ as an expert witness in arbitration proceedings. Unlike the *amicus curiae*, the expert actually participates in the proceedings and does so only at the invitation of the Court.

The legal basis in this case is—although it is relatively rarely used in practice—Article 50 of the ICJ Statute.

Article 50 of the ICJ Statute runs as follows: “The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.”

In addition to the expert appointed by the Court, NGOs may be heard as experts or witnesses at the request of one of the parties—in accordance with Articles 57 and 63 of the Court’s Rules of Court. They can be summoned if the other party does not object.

### How to get involved with the ICJ?

- **Submit in writing an amicus brief in a selected case while documenting your position through supporting legal arguments.**
- **If you have any questions, we are happy to answer them and help!**



## 4.6. International Criminal Court (ICC)



International Criminal Court Source: Wikipedia, en.wikipedia.org/wiki/International\_Criminal\_Court#/media/File:International\_Criminal\_Court\_2022.jpg, CC BY-SA 4.0 (accessed: March 26, 2025).

The activities of the International Criminal Court are governed by the Rome Statute of the ICC.<sup>32</sup> This document, in comparison with those of other organizations and tribunals, is not very strict about the Court's cooperation with external entities.

### An NGO's cooperation with the Court's Prosecutor

Article 44(4) explicitly states that: "The Court may, in exceptional circumstances, employ the expertise of gratis personnel offered by States Parties, **intergovernmental organizations or non-governmental organizations to assist with the work of any of the organs of the Court.**" **The Prosecutor may accept any such offer on behalf of the Office of the Prosecutor.** Such gratis personnel shall be employed in accordance with guidelines to be established by the Assembly of States Parties.

32 Rome Statute of the International Criminal Court, <https://www.icc-cpi.int/publications/core-legal-texts/rome-statute-international-criminal-court> (accessed: February 10, 2025).

In accordance with Article 54(3)(c) of the ICC Statute: “The Prosecutor may: [...] Seek the cooperation of any State or intergovernmental organization or arrangement in accordance with its respective competence and/or mandate.”

Practice indicates that, in the course of proceedings before the ICC, NGOs wishing to become involved in the prosecutor’s case, such as by providing evidence or documentation—including expert reports—should communicate their willingness to cooperate with the ICC. Whether such cooperation is allowed is solely at the discretion of the relevant prosecutor.

#### **How to get involved in the ICC’s work?**

- **Submit a written request to participate in a specific case that is being prosecuted by the ICC and justify it by indicating your competence in the field or some other ability to assist in the pending case’s resolution.**
- **If you have any questions, we are happy to answer them and help!**

## **5. It's time to make your voice heard for the defense of life, family, and freedom!**

Human rights, including dignity, life, and liberty, are constantly being challenged in the international arena, including by human rights organizations and tribunals. In the face of these challenges, it is important to unite those individuals and organizations that are involved in the protection of these rights so that they can coordinate their activities and support each other.

We thus encourage everyone who cares about the future of their families, children, and communities to join us in actively defending these values in any way that their abilities and skill set allows. It doesn't take huge financial resources or large organizational structures to accomplish this; just determination and a willingness to cooperate. Please read more about our initiative at <https://caggforum.org/> and follow us on X: <https://x.com/caggforum>.



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