**Annexe 1: Right of initiative- Compliance and Mediation Committee Report**

**Compliance and Mediation Committee**

**The “Right to initiate a review” of a breach of integrity or any dispute**

The revised Constitution approved by the General Assembly in December 2015 grants the Compliance and Mediation Committee (CMC) a further power, which is the right of initiative. According to article 32.3, “[t]he Committee may initiate its own review based on the criteria adopted by the Governing Board and with notification to the President”.

The purpose of this paper is to present to the Board the criteria that the CMC will use to initiate a review and the procedure to be followed.

**Current CMC working documents**

The two working documents used on regular basis by the CMC are the following:

* The “Criteria to submit cases to the CMC” were formulated by the Committee to provide guidance to the Secretary General on when cases should be submitted to the CMC. They were endorsed by the Governing Board in April 2011. The Criteria were further reviewed in April 2015 to extend their scope, with a view to their being used to guide the National Societies, the President, the Vice-Presidents and the General Assembly.
* The “CMC Dashboard” is a tool approved by the Governing Board in October 2015 to raise awareness about the integrity portfolio and to increase accountability and transparency within the IFRC. The Dashboard is composed of eight elements deriving mainly from the duties of National Societies defined under article 8 of the Constitution. Some additional criteria were added, such as the requirement for National Societies to review their Statutes every ten years, as agreed by the Council of Delegates. However, the overall objective of this document is to ensure that National Societies comply with their Statutory Duties.

**Use of the “Right to initiate a review”**

Following the lines set by the working documents “Criteria to submit cases to the CMC” and the “CMC Dashboard”, the Committee will use its right to initiate a review if a National Society is in one of the following three situations:

**Situation 1**: When the National Society and/or the Secretariat have tried to resolve the breach of integrity for a period of two years and no significant progress has been made.

**Situation 2**: When the National Society fails to fulfil the following three elements of the CMC Dashboard simultaneously:

1. The National Society has not reviewed its Statutes within the past 10 years.
2. The National Society has not provided an annual report.
3. The National Society is declared in default.

When there is an indication that there are issues with the legal foundation, the performance and the finances of the National Society, the CMC considers that it is important to check whether there is an underlying integrity issue.

**Situation 3**: When the National Society has been subjected to repeated criticism from one or multiple sources relating to violations(s) of the elements of the IFRC integrity policy and the National Society has not appeared to act upon the same, putting the reputation of the National Society and therefore, the IFRC at risk.

**Procedures for using the “Right to initiate a review”**

* Once one of the three above-mentioned situations have been identified, the CMC will, through its Chair, ask the IFRC Secretary General to provide further information on the National Society, its activities and issues that might be at stake.
* Upon receipt of the information, the CMC Chair will review the information with two CMC members. The CMC could decide that the information is substantiated and merits an inquiry. It could also decide that based on the information received, the Secretariat should take action or that no action is required, but the issue should be closely monitored.
* In accordance with article 32 of the Constitution, the CMC will then notify the IFRC President of the matter and the reasons for taking such a decision.
* If the CMC decides to accept the case, then its working procedures for the handling of integrity cases apply.
* If the CMC decides that action should be taken by the Secretariat, the CMC will then monitor the case and request updates from the Secretariat on the progress made. Based on the reports, the CMC will either decide to close the case or accept it. The decision is taken by the Chair and the members who reviewed the case.
* If the CMC decides that no action is required, it will monitor the case by receiving regular reports from the Secretariat and then decide to either close the case or ask the Secretariat to take appropriate action.