**Oral Statement by FIAN International, Franciscans International, CCFD-Terre Solidaire and Society for International Development**

**Panel VI: Lessons learned and challenges to access to remedies**

Friday, 28 October 2016

Delivered by Sandra Ratjen, Franciscans International

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Thank you Madam chairperson,

FI is delivering this statement based on the joint written submission and on behalf of FI, FIAN International, the International Platform against Impunity, the Society for International Development and CCFD-Terre solidaire.

In the context of the discussions carried out during this session of the IGWG, it is crucial to reiaterate and remember international standards pertaining to access to justice and remedies.

The right to an effective remedy and to reparation in its different forms is guaranteed in international law in a variety of instruments of international human rights law. The possibility to access effective remedies in cases of violations is an integral element of any other human rights and a general principle of law to which States are bound.

An effective remedy implies to have access to an indepedent authority that has power to order the cessation of proven violations, to order its cessation and to provide for effective remedial measures and full reparation, that is gender sensitive and take into account the culture of indigenous peoples, including satisfaction and guarantee of non-repetition. For this to happen, a very fundamental factor is the existence of a judiciary that is independent and know human rights that they are to uphold.

Yet, the cases and examples of situations that have been shared with the Working Group all through the week, confirm, if needed, that obstacles that victims of abuses of their rights by TNCs and OBEs face to access justice and effective remedies are most of the time insurmountable. Especially when considering transnational litigation, they include, to name only a few, and as we heard in various of the panel contributions, the enormous amount of time and resources that are involved in such litigation, or the difficulties to collect and use evidence and testimonies across borders.

Mechanisms aimed at ensuring accountability for abuses by corporate actors may take various forms. However, effective remedies must include judicial remedies that should be available to all affected individuals and communities without discrimination to their financial or other situation. While they are elaborated in a rather lengthy manner in the UN GPs, non-judicial remedies can fail to bring effective redress and satisfaction to affected individuals and communities, and in any case they must not preclude access and use of judicial remedies.

Victims abroad should have access to effective remedies in the countries where the home or controlling offices of TNCs linked to the alleged abuse are located or in those who have a reasonable link with the said abuse.

Finally, responding to poitns raised on the panel yesterday, our experience and the analysis by different NGOs show that the National Contact Points are not effective mechanisms to ensure effective remedy for the victims and do not and should not replace judicial mechanisms.

Thank you very much for your attention