THE INTERFACE BETWEEN JUDICIAL AND NON-JUDICIAL REMEDY: EXPERIENCES AND CHALLENGES

Parallel session: 16 November, 11:40 -13:00
Room XXIII

The session is organized by the UN Working Group on Business and Human Rights, Accountability Counsel, Centre for Research on Multinational Corporations (SOMO), Inclusive Development International (IDI), International Corporate Accountability Roundtable (ICAR), International Organisation of Employers (IOE), Matrix Chambers and OECD Watch

Aims and objectives

There are a number of mechanisms and frameworks that victims may use to seek an effective remedy for a human rights violation related to business activity. These include State-based, non-State based, judicial, and non-judicial mechanisms. The aim of this session is to draw from the experience of experts and users of these various mechanisms to build learning for how to choose between these remedies and the factors to consider when making this decision. Specifically, the panel will strive to develop an understanding of the strengths and weaknesses of the various mechanisms, as well as the experience of users in seeking an effective remedy.

Panel of speakers

Perspective	Panel Member	Organisation
Chair	Lene Wendland	OHCHR
Judicial	Richard Hermer QC	Matrix Chambers
Non-judicial	Dr. Mariëtte van Huijstee	SOMO
Impact	Vuthy Eang	Equitable Cambodia
Business	Michael Congiu	Littler
Trade union	Makbule Sahan	ITUC

Format

1. Introduction outlining the issues and introducing the key questions and objectives.
2. Short comment from each panelist regarding the overall topic.
3. Discussion between the panel concerning choosing a remedy and the many different considerations that are required to be taken into account.
4. Conclusion from chair.

5. Questions from the audience.

Key discussion questions

Considering the information above, the key discussion questions are:

- What are some recent regulatory and other developments in the judicial and non-judicial remedy space?
- What are the substantive and strategic considerations when choosing a judicial and/or non-judicial mechanism to seek remedy?
- How do these mechanisms relate to/reinforce/undermine each other?
- What can we learn from one mechanism that could lead to more effective use of another?

Target audience

- Policy makers at governments in charge of remedy mechanisms and/or justice system (eg. NCPs, Development banks, legal systems)
- Staff at (development) banks and companies that operate grievance mechanisms or provide legal support
- (potential) Users of remedy mechanisms (e.g. those potentially affected by business operations and investment decisions)
- Lawyers, prosecutors and judges with experience in judicial remedy systems for business related human rights abuses
- Academics researching non judicial and/ or judicial remedy mechanisms
- Civil society representatives working with remedy mechanisms
- Business leaders and representatives looking to draw on the panelists' experience to educate their stakeholders and to better embed the Guiding Principles in their operations

Contact details

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