



Improving effectiveness of non-judicial mechanisms

Parallel session

28 November

10:00-13:00

Part 1: State-based non-judicial mechanisms on corporate accountability and remedy: supporting actors or lead players?

10:00-11:30

Organized by OHCHR

Part 2: Reports from the field: the reality of remedy at national human rights institutions

11:30-13:00

Organized by the Global Alliance of National Human Rights Institutions and the German Institute for Human Rights

Part 1: State-based non-judicial mechanisms on corporate accountability and remedy: supporting actors or lead players?

Brief description: This session organized by OHCHR will consider the legal and policy implications of the findings put forward in the discussion paper on the Accountability and Remedy Project II, published at the end of October 2017. It will specifically look at how the findings can be translated into policy objectives and recommendations for States to strengthen the implementation of “Pillar III” (the “Access to Remedy” Pillar) of the UN Guiding Principles on Business and Human Rights with regards to State-based non-judicial mechanisms for access to remedy. The aim is to have a dynamic session with panellists and participants providing specific feedback on the findings in the paper, based on own experience and expertise.

Part 2: Reports from the field: the reality of remedy at national human rights institutions

Brief description: As part of the parallel track on “improving effectiveness of non-judicial remedy mechanisms” on Day 2 of the Forum, the Global Alliance of National Human Rights Institutions, GANHRI, will present the second half of a joint session with OHCHR’s Accountability and Remedy Project. Following on from the more general survey of state-based mechanisms through OHCHR, the goal of the GANHRI session will be to present concrete case reports from different remedy functions

that NHRIs exercise and support across the globe, to show where the strengths and weaknesses of remedy lie in practice.

Session objectives:

- Demonstrate how non-judicial remedy currently works in day-to-day practice in a variety of different jurisdictions
- Identify advantages in pursuing the non-judicial remedy route, especially for difficult or unusual cases
- Identify systematic difficulties faced by efforts to achieve non-judicial remedy
- Introduce practitioners to the wide variety of functions exercised by National Human Rights Institutions in the hope that these mechanisms are used more frequently going forward

Key discussion questions:

- What alternatives to judicial proceedings are already available to those seeking remedy in your jurisdiction?
- How can human rights be leveraged before a mechanism that may not have an explicitly human-rights-based mandate?
- What are the deciding factors that determine whether or not effective remedy is achieved with these mechanisms?

Speakers:

TBA

Format: The format will be one of 3 presentations of about 15 minutes each. The presentations will contain audiovisual materials and be given by an NHRI and a partner organization or mechanism. Following these presentations, there will be an opportunity for questions and discussion in the audience. Conclusions will emerge in a summary at the end of the session.

Background: These presentations are intended to compliment the global overview of non-judicial mechanisms in OHCHR's ARP II presentation beforehand with case studies and presentations directly from people involved in individual cases.