



## *Access to remedy: Exploring a global network of pro bono lawyers*

*Parallel session*

*28 November*

*18:15-19:30*

*Organized by the UN Working Group on Business and Human Rights*

### **Background**

Access to effective remedy is a core component of the UN Guiding Principles on Business and Human Rights (UNGPs). This is also the central theme of the 6<sup>th</sup> Annual Forum on Business and Human Rights and a key priority area of the UN Working Group on Business and Human Rights (Working Group). The Working Group's [report](#) presented to the UN General Assembly in October 2017 unpacks the concept of effective remedies under the UNGPs and stresses the need to keep rights holders central to the entire remedy process.

The UNGPs envisage three broad types of remedial mechanisms (i.e., state-based judicial mechanisms, state-based non-judicial mechanisms and non-state-based grievance mechanisms) and lawyers have play a vital role in facilitating victims' access to all these mechanisms. However, individuals and communities affected by business-related human rights abuses continue to experience a practical barrier in accessing competent and independent lawyers. This barrier is exacerbated by linguistic diversities, complexity of claims, inadequate funds, limited access to information, and the transnational nature of potential remedies.

In order to overcome this barrier, the Working Group would like to encourage the establishment a Global Network of Pro Bono Lawyers who can assist the affected individual and communities in diverse ways. Building on discussion held during the 2017 Forum (especially at the session on "[How lawyers can help communities access to remedy?](#)"), this session seeks to take this idea forward .

### **Session objectives**

This session aims to explore (i) the types of assistance pro bono lawyers can provide to the victims of business-related human rights abuses, (ii) the role that a Global Network of Pro Bono Lawyers could play in strengthening access to effective remedies, and (iii) how such a network could be established to provide legal support to victims in seeking effective remedies from a range of remedial mechanisms.

## **Key discussion questions**

- 1) What different types of assistance could be provided by pro bono lawyers to the victims of business-related human rights abuses? How will this assistance vary for different types of remedial mechanisms: from state-based judicial mechanisms to state-based non-judicial mechanisms and non-state-based grievance mechanisms?
- 2) What role could be played by human rights clinics, public interest bodies, research centres and legal advocacy organisations in offering pro bono assistance?
- 3) How to encourage lawyers and law firms to provide pro bono service to the victims of business-related human rights abuses? What role can bar associations and lawyers' bodies play in this regard?
- 4) How to facilitate a close cooperation between pro bono lawyers and lawyers (or law firms) specialising in business and human rights litigation?
- 5) How to manage conflict of interests that might arise between a lawyer or law firm advising a company and assisting certain victims against the same or related companies?
- 6) Will it be useful to establish a Global Network of Pro Bono Lawyers and provide victims information and contact details of all lawyers willing to offer pro bono assistance on a website? Should an app be developed to achieve this objective?
- 7) Should lawyers be joining this global network in an individual or institutional capacity?

## **Format**

The Working Group's Chairperson will make brief initial remarks and then facilitate an interactive dialogue to explore the way forward to establish a global network of pro bono lawyers. The discussion questions listed above are aimed at guiding the discussion rather than constraining it.

## **Speakers**

Moderator: Surya Deva, Chairperson, Working Group on Business and Human Rights

Interventions: All interested participants