



Wednesday 18 November
15:00 – 16:20
Room XXIII

Access to remedy: roles and responsibilities of interested states in cross-border cases

The OHCHR's Accountability and Remedy Project aims to develop credible and practical guidance for States to facilitate strengthened and more consistent implementation of the 'access to remedy' provisions in the UN Guiding Principles on Business and Human Rights (UNGPs), particularly in cases of severe abuses. To this end, OHCHR has selected six distinct, yet interrelated projects that address issues identified in prior research as requiring further clarification and consultation. One of the six projects, addresses the appropriate roles and responsibilities between home, host and other interested states in cases of business-related human rights abuses with a cross-border dimension.

The UNGPs provide that States should 'set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations'. They also stipulate that States should take steps to 'remove barriers' that can lead to a denial of access to remedy, which may include situations where a claimant in a host State cannot access home State courts regardless of the merits of the claim. However, in the international community, relatively little formal agreement so far exists as to what is the appropriate division of responsibilities between home and host State courts where business enterprises are involved in severe human rights abuses, and where the case has a cross-border dimension (e.g. the enterprise concerned being domiciled in a different jurisdiction than where the abuse occurred).

This session will explore the international cooperation issues that arise in different legal contexts including:

- Criminal investigation and prosecution
- Evidence gathering in private law cases
- Enforcement and implementation of private law remedies
- Judicial decision-making on jurisdictional matters

The session will serve to collect inputs and perspectives from a range of stakeholders on current problems, and the different ways in which improvements in international cooperation could lead to greater access to justice for victims of severe abuses. These inputs and perspectives will be used to inform a workshop to be convened in early 2016 with a subset of UN member states, aimed at further clarifying roles and responsibilities between home, host and other interested states in business-related cases with a cross border dimension.



Moderator:

Lene Wendland, Adviser on Business and Human Rights, OHCHR

Panel:

- Dr Jennifer Zerk, Consultant to the OHCHR Accountability and Remedy Project
- H.E. Ambassador Alberto Pedro D’Alotto, Permanent Mission of Argentina
- H.E. Ambassador Keith Harper, US Representative to the Human Rights Council
- Ariel Meyerstein, Vice President, Labor, Corporate Responsibility & Governance, USCIB
- Seema Joshi, Head of Business and Human Rights, Amnesty International
- Daniel Leader, Partner, Leigh Day

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Watch live: <http://webtv.un.org/>

