



“New models for access to State-based non-judicial remedy”

Session at the 2016 Forum on Business & Human Rights - 16 November, 08:20-09:40 (Room XX)

This session will focus on Pillars I and III of the UN Guiding Principles on Business and Human Rights: the State duties to protect against business-related human rights abuse and ensure access to remedy for victims. The goal will be to draw from various models of State-based non-judicial mechanisms that address human rights issues, to determine how States and other stakeholders might design new ways to provide access to remedy. As debates on corporate accountability and non-judicial remedy have tended to focus on the role of the OECD system’s national contact points, there is a need to move beyond this focus and also consider other types of mechanisms to a greater extent. States and intergovernmental organizations, including various arms of the UN have provided access to remedy in a variety of specific contexts (e.g. mass claims, privacy, housing and employment). The topic of the panel relates closely to the theme of the Forum focused on State leadership and leverage.

As part of the State Duty to Respect Human Rights, governments are encouraged to provide victims of corporate human rights abuses with access to non-judicial remedies, given the challenges faced in providing effective transnational civil justice. This panel will examine various models of State-based dispute resolution and discuss the strengths and weaknesses of alternative models to the national contact point system, that might prove fruitful as stakeholders consider creative and innovative ways to move forward in providing meaningful State-based processes.

Possible issues to explore:

- What role can national human rights institutions play either in direct complaint handling or in the collection of evidence or the creation of a record that can be used in alternative proceedings?
- Are there other models of State-based grievance mechanisms that have worked in cross border human rights cases – for example, what success have data protection authorities had within the EU in addressing privacy complaints?

- What role can the ILO play in terms of its current or possibly enhanced dispute resolution mechanisms?
- Are there other types of ombudsman offices that focus on specific industries that might be useful models for State-based non-judicial remedy?

Moderator: Anita Ramasastry, UN Working Group on Business and Human Rights

Speakers:

- Jackie Blue, Equal Employment Opportunities Commissioner, Human Rights Commission of New Zealand
- Horacio Guido, Chief of the Application of Standards Branch of the International Labour Standards Department, ILO
- Geneviève Paul, Program Officer, Above Ground
- Joseph Wilde-Ramsing, Senior Researcher, SOMO & Coordinator, OECD Watch network

Closing comments: Lene Wendland, Advisor on Business & Human Rights, OHCHR