

OHCHR Accountability and Remedy Project

Call for input

OHCHR's Accountability and Remedy Project (ARP) aims to strengthen accountability and access to remedy in cases of business-related human rights abuse. Since its official launch in 2014, and in response to multiple Human Rights Council mandates, guidance has been produced on how to enhance the effectiveness of each category of grievance mechanism referred to in the third pillar of the UNGPs: [judicial mechanisms](#), [State-based non-judicial mechanisms](#), and [non-State-based grievance mechanisms](#).

In [resolution 44/15 \(2020\)](#), the Human Rights Council welcomed the work of OHCHR on improving accountability and access to remedy for victims of business-related human rights abuse and requested OHCHR

- to continue its work in this area;
- to convene consultations to discuss challenges, good practices, and lessons learned in enhancing access to remedy for victims of business-related human rights abuse; and
- to report back to the Human Rights Council at its fiftieth session.

In the context of that resolution, OHCHR is organizing a **two-day consultation on 3-4 March 2022 to explore the links between human rights due diligence, accountability, and access to remedy** ([concept note](#)). Additionally, OHCHR is drafting a report to be presented to the Human Rights Council at its fiftieth session to provide an update on the Accountability and Remedy Project.

This call for input provides an opportunity to feed into the forthcoming consultation and report.

DEADLINE FOR SUBMISSION: Tuesday, 1 March 2022

Email submissions to: ohchr-business-access2remedy@un.org

[Online version of this form](#)

THANK YOU!

1. In what ways have ARP findings and recommendations (relating to [judicial mechanisms](#), [State-based non-judicial mechanisms](#), and [non-State-based grievance mechanisms](#)) been used to influence approaches to accountability and access to remedy? E.g., incorporated into law, policy, guidance, research, etc.

The International Organisation of Employers (IOE) as the largest private sector network in the world, representing 50 million businesses through 150 national employers' organisations has released extensive practical guidance for businesses on Human Rights and Responsible Business Conduct that include most of the findings and recommendations of ARP III. Most notably, in May 2021, IOE published a guidance document "[How can employer organisations support business respect for human rights?](#)" that gives practical steps for employer and business membership organisations (EBMOs) to take action. Real life examples are provided that show the effort EBMOs are putting in place to promote and implement the Business and Human Rights agenda.

In line with the recommended actions to improve the effectiveness of non-State-based grievance mechanisms relevant to business and human rights included in ARP III, IOE advocate for supporting businesses to build practical human rights know-how and promoting respect for human rights when engaging with legal and policy developments. In particular, IOE in line with the following ARP III recommendations encourage:

- Facilitating access to effective non-State-based grievance mechanisms by strengthening domestic law and policy. However, as part of the "state's duty to protect", States must establish and maintain an enabling legal and policy environment for non-State-based grievance mechanisms dealing with business-related human rights harms.
- The use of non-State-based grievance mechanisms, when possible, as they represent effective measures in dealing with business-related human rights harm. However, although non-state-based grievance mechanisms can be relevant, they cannot replace the importance and responsibility of effective State-based non-judicial

mechanisms as the contribution of such mechanisms is part of a comprehensive State-based accountability and remedy system including the states' duty to protect. This is rightly said in ARP I para.3: "effective State-based judicial mechanisms are "at the core of ensuring access to remedy". In addition, there is currently a lack of policy coherence on the part of States in their approaches to non-State-based grievance mechanism that must be firstly tackled.

Since its official launch in 2014, and in response to multiple Human Rights Council mandates, ARP findings and recommendations have provided key guidance on the important interlinkages between HRDD, accountability, and access to remedy. The learnings from the ARP project should inform the implementation of the UNGPs 10+ Roadmap and the development of regional UNGPs 10+ Roadmaps. Key focus areas should be the strengthening of an enabling environment for responsible business practices for companies, the promotion of collective action, particularly related to remedy, the sharing of best practices and successful strategies with regard to company's establishment of grievance mechanisms and remediation, as well as continuous awareness raising and capacity building. in this regard.

Through advocacy support and its active engagement in endorsing, promoting and disseminating among its members and networks the UN Guiding Principles on Business and Human Rights (UNGPs), as well as other government-backed instruments on responsible business conduct, Business is fully committed to supporting all relevant stakeholders to achieve the objective of the UNGPs 10+ Roadmap.

2. In what ways can OHCHR better ensure understanding and uptake of ARP recommendations?

To better ensure understanding and uptake of ARP recommendations, OHCHR should:

- Further promote and encourage States' action to uphold human rights, notably on addressing underlying root causes, most clearly the importance of good governance and rule of law as well as by promoting and encouraging further implementation of international human rights conventions, international labour standards and environmental treaties as well as a strong and efficient supervisory mechanism to strengthen the overall human rights performance.
- Have a greater focus on persistent problems common to many jurisdictions such as fragmented, poorly designed, or incomplete legal regimes, lack of legal development, lack of awareness of the scope and operation of regime.
- Further increase the awareness of stakeholders on the relevance and important of Business and Human rights, including making global standards feel real and relevant to all stakeholders, notably businesses at local levels
- Further liaise and engage with the private sector (IOE, EBMOs and companies) to bring business realities and experiences to the process to ensure that laws take fully into account the opportunities and challenges companies face in their efforts to respect human rights.
- Encourage peer learning on non-State-based grievance mechanisms.
- Increase the focus on and advocacy for policies which address the root causes of many human rights challenges, such as for example informality, weak governance, corruption, that are beyond the private sector's reach.
- Support and help build the awareness and capacity of companies on human rights.

IOE together with employer and business membership organisations (EBMOs) as umbrellas are well positioned to impact and know the challenges companies face in relation to the development of human rights. By using their convening power, both IOE and EBMOs support partnerships and collaboration to advance business respect for human rights. They can also engage with policymaker and can play a powerful role by disseminating information about key standards, guidance, and expectations in a way that will be more accessible to, and better resonate with, their members and the private sector at large.

Particularly, EBMOs have a unique role as multiplayers through their multistakeholder approach and continuous engagement in national social and economic councils and with their trade unions counterparts. Their ability to outreach and engage with the entire spectrum of the private sector, notably SMEs, positively contributes to the uptake and dissemination of ARP recommendations. IOE stands ready to cooperate and actively engage with OHCHR, UNWG and other UN agencies to promote the Business and Human Rights agenda worldwide.

3. To help inform the consultation on the links between human rights due diligence, accountability, and access to remedy, what materials should OHCHR be made aware of? What questions or issues should be addressed during the consultation?

When addressing the question of links between human rights due diligence, accountability, and access to remedy, stakeholders should bear in mind the following considerations:

Firstly, there is a need of having more **harmonised approaches to mHRDD** in order to reduce the potential for overlapping and inconsistent regulatory requirements, to address the problem of gaps between regimes, and to facilitate business compliance. So far, the lack of harmonisation has led many companies in challenging situations due to legal uncertainty and continuous needs of readaptation to remain compliant and fit-for-purpose. These harmonised approaches must come with policy coordination, innovative public-private partnerships and global multistakeholder action to ensure the diffusion of human rights. This must be done in ensuring coherence and alignment in standards development as well as consideration of the needs of business.

However, there is not one, single model for mHRDD regimes. When it comes to translating and implementing the ideas set out in the UNGPs into a legally binding regime, governments must consider the national and local contexts and characteristic businesses are facing. mHRDD regimes must be context-oriented and encompass the needs of the companies that are operating in them. There is **no one-size-fit-all solution**.

Secondly, the ability of companies to effectively respect human rights is very much dependent on **governments' action**. States are the first and most important enablers of creating a legal and policy environment for respecting human rights. A company alone will not be able to make a lasting difference. Governments must ensure legal certainty and clear legal frameworks for companies that take into the local contexts to hinder any potential human right risks. Only in collaboration with governments, peers and stakeholders is it possible to achieve change. Although, the private sector has taken proactive corporate measures that more often than not go beyond the UNGPs' requirements, these efforts must not prevent states from playing the leading role in implementing, respecting, and enforcing human rights.

4. Any other comments or questions. Please list any other comments / questions you may have.

N/A

Contact information.

Providing contact information is completely optional.

- **Name:** PEGAT-TOQUET JASON
- **Email:** pegat-toquet@ioe-emp.com
- **Organization / affiliation:** International Organisation of Employers (IOE)