

Dear Chairperson

The IOE is the biggest network of the private sector in the world. Our members are the national Employers` and business organisations in 144 countries around the world.

The IOE strongly supports the better access to remedy. Access to remedy in cases of human rights violations is not only a human right *per se*, but a prerequisite for the full enjoyment of human rights. It is only when people have access to justice and remedy when their human rights are infringed that the rights themselves become meaningful.

However, the shortcomings of extraterritorial jurisdiction is overlooked in the discussion this morning so far. The shortcomings include the tremendously higher costs involved in pursuing remedies in foreign courts and sustaining such cases over several years; the challenges presented to foreign courts when they must rule according to foreign legal principles; the difficulties in obtaining evidence and testimony abroad; and, most importantly, the problem that extraterritorial jurisdiction is mainly open for allegations against multinationals and not domestic companies, which would continue to leave victims of domestic companies without access to remedy.

Access to remedy for the broad masses will come through access to remedy at local level.

What is needed are stronger commitments by governments to deliver on their duty under international law to provide access to remedy. Governments do not have to re-invent the wheel when improving access to remedy. The *UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* identify some important elements which governments should consider with respect to improving access to State-based judicial remedies.

However, recommendations to governments on improving access to remedy, as the one just mentioned, might be not enough, as long as there is not sufficient political will to implement these recommendations. We have to think about ways of increasing the peer pressure on governments to become more active and improve their judicial

systems by more strongly monitor the judicial performance within the UN supervisory machinery. Thus, this IGW should look into the feasibility of establishing a more stringent system to publicly track and discuss the efforts made by States in this regard.