

**Third session of the Open-ended intergovernmental working  
group on transnational corporations and other business  
enterprises with respect to human rights**

**Room XX, Palais des Nations**

**23 October 2017**

**10:00 a.m.**



**Opening statement by**

**Ms. Peggy Hicks**

**Director**

**Thematic Engagement, Special Procedures and Right to  
Development Division**

Excellencies,  
Distinguished delegates,  
Ladies and gentlemen,

It is a great pleasure for me to join you at the opening of the third session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights.

Following on the video message of the High Commissioner, I am hopeful that the recommendations stemming from the OHCHR Accountability and Remedy Project can inform your discussions and deliberations. These recommendations, developed through inclusive multi-stakeholder processes, aim to provide solutions rooted in reality; are designed to be flexible and adaptable to different legal traditions, structures and needs; cover both public and private law and address specific challenges in cross-border cases. The substantive recommendations can, as appropriate, be incorporated at the national, regional and international level.

The Accountability and Remedy Project was launched in 2014 with a view to enhancing the effectiveness of domestic judicial systems in ensuring accountability and access to remedy, including in cross border cases. The office of the High Commissioner for Human Rights later on received a mandate from the Human Rights Council to “continue the work to facilitate the sharing and exploration of the full range of legal options and practical measures to improve access to remedy for victims of business-related human rights abuses”. In June 2016, OHCHR submitted a final report to the 32nd session of the Human Rights Council, which contains a series of resources which States can draw upon with a view to progressively and systematically strengthen accountability and access to remedy. The report includes a model terms of reference that can be used to review

the effectiveness of domestic legal systems, an annex setting out the key findings of ARP research activities in the form of a list of possible actions for States to consider, grouped under a series of policy objectives relating to both procedural and substantive aspects of access to remedy, and an addendum explaining key legal concepts and the main findings emerging from the project in further detail.

In June 2016, following a new mandate from the Human Rights Council, OHCHR began a second phase of the Accountability and Remedy Project, which focuses on enhancing the effectiveness of State-based non-judicial mechanisms in cases of business-related human rights abuse. Following an extensive process of data collection, research and consultations, OHCHR will release a draft discussion paper in the next few weeks with a view to gathering feedback on the initial findings in order to identify which elements and recommendations need to be included in a final report to be presented at the Human Rights Council in June 2018.

Ladies and gentlemen,

The complexity of the issues you will discuss throughout the week calls for an inclusive process and for thoughtful reflections. Your inputs will be essential in determining the next stages of the process. The Office of the High Commissioner looks forward to listening to, and learning from, your insights and stands ready to provide any further substantial or technical advice as appropriate.

In closing, I would like to reiterate the support of the Office of the High Commissioner for Human Rights to this process, and I wish you all success in your deliberations.

Thank you for your attention.