

# Access to Remedy: Opportunities and Challenges for Judicial and Non-Judicial Grievance Mechanisms

This side event will present different aspects on judicial and non-judicial access to remedy.

- ACCESS Facility will speak about the need to enhance access to effective remedy for victims and the role that non-judicial, consensus-based processes could play in supplementing judicial mechanisms.
- CSR Europe will examine the effectiveness criteria for company-based grievance mechanisms and their practical application in process requirements.
- Panelists from RAID and MiningWatch Canada critically examine the ways in which state-based and project-level non-judicial mechanisms have contributed to further harm victims of human rights abuses.

Finally, this panel is pleased to launch two new reports:

1. *The Third Pillar: Access to Judicial Remedies for Human Rights Violations by Transnational Business*. This Report, supported by ICAR, ECCJ, and CORE, sets out the key recommendations to States for alleviating barriers to access to judicial remedy for those who have endured business-related human rights abuses.
2. A report by CSR Europe that outlines the practical process requirements for effective company grievance mechanisms.

Wednesday, 4 December 2013

11:45—13:30

Room XI

Palais des Nations



MiningWatch Canada  
Mines Alertes



## Chair

**Miriam Saage-Maaß** works as the Deputy Legal Director of the European Center for Constitutional and Human Rights (ECCHR). Miriam was engaged in proceedings against companies for exploitation of employees in Bangladesh & Pakistan, and against cotton companies for forced child labour in Uzbekistan. She publishes about jurisdictional Responsibility of companies for violation of human rights in global supply chains and is considered an expert in Corporate Responsibility and Human Rights.

## Speakers

**Mariya Stoyananova**, CSR Europe: 'Company Mechanisms for Addressing Human Rights Complaints'

*CSR Europe is the leading European business network for Corporate Social Responsibility. Representing over 5000 companies.*

**Serge Bronkhurst**, Access Facility: 'Resolving Conflicts Between Companies and Communities'

*ACCESS Facility is a new global non-profit organization that supports effective problem solving for company-community conflicts. On [www.accessfacility.org](http://www.accessfacility.org) it publishes a growing body of case stories, a database of existing grievance mechanisms and a searchable directory of experienced dialogue facilitators.*

**Patricia Feeney**, Rights and Accountability in Development (RAID) 'Do Non-Judicial Grievance Mechanisms Undermine Human Rights?'

*RAID promotes respect for human rights and responsible conduct by companies abroad and is a long-standing contributor to the debate on corporate conduct during and after the devastating war in DRC. RAID's 2004 landmark report *Unanswered Questions: Companies, conflict and the Democratic Republic of the Congo (2004)* was influential in developing the complaints mechanism of the OECD Guidelines. Until Sept. 2013, Patricia Feeney was a member of the Steering Board of the U.K. NCP.*

**Catherine Coumans**, MiningWatch Canada: 'When and how non-judicial grievance mechanisms cause harm'

*MiningWatch Canada aims to change public policy and mining practices to ensure the health of individuals, communities and ecosystems. MiningWatch has researched state-based and project-level non-judicial grievance mechanisms and has recently published *Mining And Access to Justice: From sanction and remedy to weak non-judicial grievance mechanisms*. UBC Law Review 2012.*

**Gwynne Skinner**, Associate Professor of Law and Director of the International Human Rights Clinic at Willamette University, 'Access to Judicial Remedy'

*Professor Skinner is the U.S. expert on the Access to Judicial Remedy Project and will present a new report by ICAR, CORE, and ECCJ that sets out the key recommendations to States for alleviating barriers to access to judicial remedy for those who have endured business-related human rights abuses.*