



**IOE-USCIB Joint Statement on article 10 of the draft LBI on BHR**

**8th Session OEIGWG**

24-28 October 2022, UN Palais, Room XX, 10:00–13:00 and 15:00-18 :00 CET

**Article 10. Limitation Periods**

I speak on behalf of the IOE and USCIB, and continue to appreciate sharing our views in this forum.

To that end, and as we continue to note, statutes of limitations serve vital roles within the broader rule of law, as gatekeepers for ensuring that evidence is available and fresh enough to meaningfully serve fact-finders and adjudicators of law. They also serve to incentivize rights-holders to exercise their rights, ensuring that disputes can be timely heard and remedy obtained.

Time is often not a rights-holder’s friend, and allowing rights-holders to bring claims without any time or other similar limitations, serves no legitimate interest. If the concern is that claims cannot be made in situations where causation or other key facts are unknown, this can be addressed, for example, through well-trodden legal concepts like a common-law “discovery rule,” that allows a limitations period to run from the time it is known (or should be known) that a claim against a party exists.

Lastly, and specifically, we note:

* + - The determination of statutory limits for the receiving of complaints also needs to recognise a State’s existing law. And States should retain the competency to alter, amend or affirm their own statutes in this regard. The language used in the draft is too absolute.
		- Also, certain proposals here may be laudable in principle but are hard to understand or define, and thus to implement. For example, what would “a reasonable gender-responsive period of time” mean?

Thank you.