**Fanoulis Panagiotis-Actionaid | Comment to article 7**

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**The session during which the oral intervention is to take place**: Tuesday Morning, Agenda Item 4, Article 7 Access to Remedy.

**How the intervention will take place**: in person delivery,

**The type of stakeholder speaking**: NGO with ECOSOC status

**Name of the State or organization**: ActionAid

**Name of the speaker:** Fanoulis Panagiotis

Dear Ladies and Gentlemen

Remedy is an inalienable right that shall be granted to everyone, without exceptions. A right that shall be protected and reinforced by this Legally Binding Instrument heartily and as much as possible. Considering the vulnerability of victims of human rights abuse, ActionAid sees fit to specifically contribute to Article 7, with the proposals to be followed:

Article 7 should include the responsibility of State Parties to periodically monitor the integrity, the competence of their legal bodies and their resistance towards venality, through appropriate, unbiased and thorough mechanisms. An intertemporally functional judicial system is more than vital, in order for proper access to justice and remedy to be provided.

Further emphasis should be put on the obligation of States Parties to provide adequate and effective legal assistance to victims, by including within the Article the right of every person to a competent lawyer.

Another notion that we suggest should be added, is the duty of States Parties to grant protection to the victims, until, during and after the legal process, so as to guard them from being threatened or harmed in any other way, due to them seeking access to justice and remedy. We believe that a robust framework should be created, in which every person or group of persons feels safe to claim their respective rights, even if that requires a legal process against a large business entity.

Thus, the Article should also steer State Parties towards ensuring that possible disparity between the financial status of the victim and the victimiser (here, the business entities), is not a defining factor for the outcome of the legal process and does not, in any way, impede the victim’s access to justice.

Within the same context, paragraph 7.4 should be restructured in such a way, that it underlines the need of States Parties **not** to allow the obstruction of victims’ rights to justice and remedy by legal costs. The phrasing *“provision for possible waiving of certain costs in suitable cases”* does not reflect the responsibility of States Parties to address every human rights violation- regardless of the victims’ financial status- and, thus, their responsibility to provide financial aid or to exempt the economically disadvantaged ones from their legal costs.

Moreover, the necessity of bringing to justice and remedying collective right violations, such as the right to a healthy and liveable environment, is now more essential than ever, given the on-going catastrophic environmental crisis. A related mention of this in the Legally Binding Instrument  is no other than purposeful and much needed.

Thank you.