

**IOE Statement on article 7 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 7. Access to Remedy**

Thank you Chair, I am speaking on behalf of the International Organisation of Employers.

We appreciate the ability to share our views on this very important topic, and remain committed to assisting business with its responsibility to respect internationally-recognised human rights consistent with the UNGPs.

To that end, and though we certainly appreciate and acknowledge that this is a political process, and that we have a role to play in this political process, we wish to begin by stressing that all parties abandon the understandable desire to fulfill talking points or to seek peripheral language, and to focus instead on whether their submissions truly facilitate a workable and broadly acceptable draft text. In other words, we ask that this group be driven by principled pragmatism.

By way of material example, the draft proposals here continue to disregard that remedy need not, and often is not, achieved through judicial means. One need look no further than the UN OHCHR’s Accountability and Remedy Project’s excellent work on this subject to recognize the breadth with which remedy can be achieved, and the principled pragmatism in allowing non-state-based and other non-traditional remedies to operate. There is a place for judges and magistrates and lawyers, to be sure, but effective remedy is often best achieved both quickly and locally, and often informally, all while remaining consistent with the UNGP’s.

The draft proposals reflect an unwise hierarchy of judicial over non-judicial approaches while, making matters worse, creating a hierarchy of judicial systems favoring the industrialized and well-developed systems (through attempting to minimize the concept of Forum Non Coveniens) and continuing to insist that parties be guilty until proven innocent without providing meaningful explanation for upsetting this well-settled principle.