**United States’ Interventions on the Suggested Chair’s Proposals**

**Article 7 Access to Remedy**

As noted in our intervention with respect to the definition of “relevant state agencies,” it is unclear whether the scope of Article 7 is intended to cover administrative bodies only or all grievance mechanisms, including any potential judicial mechanisms.

If the intent is to cover all grievance mechanisms, consistent with the United States proposal to change the definition of “relevant state agencies” to instead be a definition of “state-based judicial and non-judicial grievance mechanisms,” all references to “relevant state agencies” throughout the text would be replaced with “state-based judicial and non-judicial grievance mechanisms” as used in the UNGPs.

Otherwise, the United States notes with appreciation that the Chair’s proposal for Article 7.1 appears to move away from a prescriptive approach and towards one that may allow for flexible implementation in accordance with domestic judicial and administrative systems. That said, it is not clear how the goals of Article 7, in particular the goal in 7.1(c) of ensuring delivery of effective remedy, could be achieved through the mandate of the LBI. At a minimum, in 7.1(c) we propose **changing “ensure” to “work towards ensuring”** and furthermore we believe there could be a benefit to intersessional technical consultations to assess the scope and feasibility of Article 7.

Additionally, focus within Article 7 also seems to be only on “victims,” or those who have been found as a matter of fact to have suffered from human rights abuses, and we wonder if language from the UNGPs might be useful here. To that end, we would suggest **replacing “victims” here, and throughout the text, with “right holders,” and will offer a parallel suggestion when the definition of “victims” is presented on screen.**

The United States appreciates the efforts of the Chair to make Article 7.2 more general and less prescriptive, as well as the efforts to take into account important concerns such as mitigating the risk of reprisals. As with other aspects of Article 7, we believe paragraph 7.2 would benefit from intersessional technical consultations on the scope and feasibility of the proposal.

With respect to paragraph 7.3, we understand the sentiment behind this text of some of these concepts, for example reducing the risk of reprisals. Again, it is unclear in this paragraph whether the focus of the paragraph is intended to be only “victims,” or instead anyone who has alleged that they have suffered human rights abuses. The scope of this provision is broad and at the same time very specific in a way that would be challenging for many States to implement. This is the type of detailed concept that could potentially be pursued in an optional protocol rather than in the main body of an agreement. In that context it could also be helpful to have intersessional technical consultations as to how these provisions would be implemented in practice.

While the United States understands the sentiment behind Article 7.4 in that enhancing access to remedy supports implementation of the UNGPs, there are concepts embedded in the subparagraphs that require clarification. For example, in subparagraph (a), what remedies are the relevant state agencies (or grievance mechanisms) expected to directly deliver or contribute to? Additionally, does (b) suggest that victims are to receive preferential treatment over, or the same treatment as, businesses during any grievance proceedings? And finally, the type of functions contemplated in (c) may or may not be appropriate or achievable within relevant state agency resource allotments. This is the type of detailed concept that could potentially be pursued in an optional protocol rather than in the main body of an agreement. In that context it could also be helpful to consider in intersessional technical consultations as to how these provisions would be implemented in practice.