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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Enhancing the accessibility, dissemination and implementation of the Accountability and Remedy Project

Report of the United Nations High Commissioner for Human Rights

Summary

The present report has been compiled as part of the Accountability and Remedy Project of the Office of the United Nations High Commissioner for Human Rights, pursuant to the request of the Human Rights Council in its resolution 44/15. It follows reports prepared for the project's first phase, on judicial mechanisms, the second phase, on State-based non-judicial mechanisms, and the third phase, on non-State-based grievance mechanisms.

The report provides an overview of the project and the activities undertaken during its fourth phase, examples of good practices in implementing the recommended actions from the project and recommendations for how the project can further contribute to enhancing accountability and access to remedy for business-related human rights harms.

The report is complemented by an addendum, which provides details from two multi-stakeholder consultations convened during the fourth phase of the project in response to resolution 44/15. The first consultation focused on access to remedy in the technology sector. The second consultation explored the links between human rights due diligence, accountability and access to remedy.



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I. Introduction

1. In 2013, as part of its mandate to advance the promotion and protection of human rights globally, the Office of the United Nations High Commissioner for Human Rights (OHCHR) initiated a process to strengthen the implementation of the access to remedy pillar of the Guiding Principles on Business and Human Rights.¹

2. In its resolution 26/22, the Human Rights Council requested the High Commissioner for Human Rights to continue work on improving access to remedy and to report back to the Council. In November 2014, and pursuant to that mandate, OHCHR formally launched the Accountability and Remedy Project with the goal of delivering credible and workable recommendations for enhancing accountability and access to remedy in cases of business-related human rights abuse.²

3. In the first six years of the project, and in response to a series of mandates from the Human Rights Council,³ three substantive phases were completed, with each phase resulting in recommendations for enhancing the effectiveness of one of the three categories of grievance mechanisms referred to in the Guiding Principles: State-based judicial mechanisms,⁴ State-based non-judicial grievance mechanisms⁵ and non-State-based grievance mechanisms.⁶

4. Following those phases of work, the Council adopted resolution 44/15, in which it requested the High Commissioner to continue the work in the area of accountability and remedy. In response to that mandate, OHCHR started a fourth phase of the project devoted to enhancing the accessibility, dissemination and implementation of the project's findings to date. The present report covers the main activities undertaken during that phase of the project, some examples of good practices of uptake of findings and recommendations from the project and ideas for what the project should focus on going forward. An addendum to the present report provides details from two multi-stakeholder consultations convened during the fourth phase of the project in response to resolution 44/15.⁷

II. Accountability and Remedy Project

A. Background

5. Although the Guiding Principles have done much to clarify standards of business conduct, challenges to applying those standards in practice remain. That is particularly the case with respect to accountability for corporate wrongdoing and remedy for business-related human rights harms. The lack of accountability and remedy in business and human rights cases demands urgent attention from both State and business actors, not least because the right to remedy is a core tenet of the international human rights system. Moreover, as stated in the Guiding Principles: "Unless States take appropriate steps to investigate, punish and redress business-related human rights abuses when they do occur, the State duty to protect can be rendered weak or even meaningless."⁸

6. The third pillar of the Guiding Principles explains the vital role played by both judicial and non-judicial remedial systems in realizing the right to an effective remedy. However, people seeking to use those systems to obtain a remedy for harm and to hold business enterprises to account face many challenges in practice. The mechanisms can be difficult, if

¹ [A/HRC/17/31](#), annex.

² See www.ohchr.org/EN/Issues/Business/Pages/OHCHRaccountabilityandremedyproject.aspx.

³ See resolutions 26/22, 32/10 and 38/13.

⁴ See [A/HRC/32/19](#), [A/HRC/32/19/Corr.1](#) and [A/HRC/32/19/Add.1](#).

⁵ See [A/HRC/38/20](#) and [A/HRC/38/20/Add.1](#).

⁶ See [A/HRC/44/32](#) and [A/HRC/44/32/Add.1](#).

⁷ [A/HRC/50/45/Add.1](#).

⁸ Guiding Principles on Business and Human Rights, principle 25, commentary.

not impossible, to access and, even where access is obtained, in many cases they can deliver only a partial remedy.

7. Against this backdrop, OHCHR launched the Accountability and Remedy Project to help strengthen the implementation of the third pillar of the Guiding Principles. Since the inception of the project in 2014, the aim has been to identify, analyse and disseminate good practices with a view to improving accountability and access to remedy in cases of business-related human rights abuse.

8. Mindful of the diversity of grievance mechanisms that are potentially relevant in these cases, work undertaken by OHCHR for each phase of the project has included empirical information-gathering from legal practitioners and other interested parties in a wide range of jurisdictions covering all United Nations regional groups.

9. To ensure that the recommendations arising from this work were practical and evidence-based, regular opportunities for stakeholder consultation were built into the methodology for each phase, involving mapping exercises, detailed studies, questionnaires and hundreds of interviews and meetings with rights holders, civil society organizations, lawyers, businesses, States and other relevant stakeholders across the world.⁹

10. At the end of each of these phases, a report and addendum were submitted to the Human Rights Council containing:

(a) General observations regarding the mechanisms (judicial mechanisms, State-based non-judicial grievance mechanisms or non-State-based grievance mechanisms);¹⁰

(b) Guidance for enhancing the effectiveness of the mechanisms, drawing upon the good practices identified;¹¹

(c) Explanatory notes for the guidance;¹²

(d) A model set of terms of reference that States could use as a basis for reviewing the effectiveness of their remedial systems.¹³

11. Additionally, in 2018 and in response to a Council request for follow-up to the High Commissioner's recommendations pertaining to judicial mechanisms,¹⁴ OHCHR submitted a report to the Council on the relationship between human rights due diligence and determinations of corporate liability.¹⁵ Those reports and addenda comprise the core outputs of the Accountability and Remedy Project in the period 2014–2020 and have been downloaded over 24,000 times as of March 2022. They also provided the primary basis for the work undertaken during the fourth phase of the project.

B. Activities undertaken during the fourth phase of the project

12. The fourth phase of the Accountability and Remedy Project began in July 2020 in response to Human Rights Council resolution 44/15. Rather than developing further substantive guidance on remedial mechanisms, the fourth phase was devoted to taking all the guidance that had already been developed throughout the project and enhancing its accessibility, dissemination and implementation. This was done through a variety of activities, as outlined below.

⁹ See www.ohchr.org/sites/default/files/Documents/Issues/Business/arp-methodology.pdf.
[A/HRC/32/19](#), para. 13; [A/HRC/38/20](#), para. 15; [A/HRC/44/32](#), paras. 15–18.

¹⁰ [A/HRC/32/19](#), paras. 1–31; [A/HRC/38/20](#), paras. 1–27; and [A/HRC/44/32](#), paras. 1–31.

¹¹ [A/HRC/32/19](#), annex; [A/HRC/38/20](#), annex; and [A/HRC/44/32](#), annex.

¹² [A/HRC/32/19/Add.1](#), paras. 6–74; [A/HRC/38/20/Add.1](#), paras. 10–64; and [A/HRC/44/32/Add.1](#), paras. 7–79.

¹³ [A/HRC/32/19/Add.1](#), figure 1; [A/HRC/38/20/Add.1](#), figure 1; and [A/HRC/44/32/Add.1](#), figure 1.

¹⁴ Resolution 32/10, para. 13.

¹⁵ [A/HRC/38/20/Add.2](#).

1. Enhancing the accessibility of project materials

13. A key output at the conclusion of the first three phases of the Accountability and Remedy Project was the guidance presented to the Human Rights Council for enhancing the effectiveness of remedial mechanisms that are relevant in business and human rights cases. The guidance was a distillation of extensive research taking place over a two-year period, which drew on practices and insights from a wide range of jurisdictions. To meet the OHCHR objective of ensuring the broad relevance of the guidance, it was not possible to convey in detail, through that reporting format, the more context-dependent insights collected in the course of the information-gathering processes. While further information is provided in the explanatory notes to each report regarding the steps that may be most relevant in different contexts and circumstances, there is no question that the practical impact of the project will be significantly enhanced by finding alternative ways of communicating its findings. Thus, a key goal of the fourth phase of the project has been to convert the materials from the project into formats that are easier to understand, user-friendly and better targeted.

14. Part of this effort has involved refreshing and redesigning the web pages of the project.¹⁶ Those pages, which have been accessed over 43,000 times as of March 2022, now provide more information and background on the project, summaries of each report, all public documents developed throughout the project and overviews of certain events and other types of meetings in which OHCHR took part. The web pages also include short guides explaining how to read project reports¹⁷ and providing an overview of the methodology used throughout the first three phases.¹⁸ Further, OHCHR has been working on unofficial translations of project materials, which are also uploaded onto the web pages as they become available.¹⁹

15. A range of materials reproducing key learning in simpler formats has been produced. For instance, in December 2021 a note was published summarizing guidance on how private grievance mechanisms (such as operational-level grievance mechanisms) could meet the effectiveness criteria laid out in principle 31 of the Guiding Principles.²⁰ Positive initial feedback to this initiative suggests uptake by several non-judicial grievance mechanisms to assess and improve their processes and by civil society organizations as a tool for evaluating non-judicial grievance mechanisms as part of their advocacy work. Other similar notes are in production, including notes aimed at simplifying guidance directed at States and national human rights institutions.

16. Another resource launched during the fourth phase was the OHCHR and United Nations Global Compact e-learning course on business and human rights.²¹ The course, to be available through the Global Compact Academy in Chinese, English, French, Portuguese and Spanish, aims to help businesses understand what human rights mean to them and how they can respect and support human rights in line with the Guiding Principles and the 10 principles of the Global Compact.

17. To assist further with the dissemination of lessons learned from the Accountability and Remedy Project, OHCHR has been developing a set of four publications on access to remedy. Three of the publications will compile project guidance, along with commentary, in booklet format. Those will be complemented by an interpretive guide on access to remedy, which will provide an overview of the access to remedy pillar and its legal and policy underpinnings, explain key terminology and address some misconceptions that have arisen concerning accountability and remedy for business-related human rights harms more broadly.²²

¹⁶ See www.ohchr.org/EN/Issues/Business/Pages/OHCHRaccountabilityandremedyproject.aspx.

¹⁷ See www.ohchr.org/sites/default/files/Documents/Issues/Business/arp-report-explained.pdf.

¹⁸ See www.ohchr.org/sites/default/files/Documents/Issues/Business/arp-methodology.pdf.

¹⁹ See, for example, www.ohchr.org/sites/default/files/2022-03/a-hrc-38-20-add2-unofficial-translations.pdf.

²⁰ www.ohchr.org/sites/default/files/2022-01/arp-note-meeting-effectiveness-criteria.pdf.

²¹ <https://info.unglobalcompact.org/humanrights>.

²² A call for input was issued for questions to be addressed in the guide, resulting in over 370 suggested questions.

18. OHCHR has also been developing materials for use by policymakers and practitioners working to achieve legal and structural change. For instance, in collaboration with the OHCHR B-Tech Project,²³ a set of four foundational papers on access to remedy and the technology sector were released in January 2021. An OHCHR publication on remedy in development finance drew heavily on learning and outcomes from the project.²⁴ In addition, several papers have been developed to help inform deliberations surrounding significant regulatory initiatives, such as the work of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights (see paras. 33–34 below), as well as those relating to mandatory human rights due diligence.²⁵

2. Thematic work

19. Throughout the fourth phase of the Accountability and Remedy Project, learning and guidance have been incorporated into the thematic work of OHCHR in different areas. Activities regarding the technology sector and development finance are noteworthy in this regard.

Technology sector

20. The OHCHR B-Tech Project seeks to ensure respect for human rights in the development, deployment and use of digital technologies through the uptake and implementation of the Guiding Principles.²⁶

21. Given the focus of the B-Tech Project on the Guiding Principles, there has been much cooperation on the work done on it and on the Accountability and Remedy Project since the launch of the B-Tech Project in 2019. As noted above, learning from the latter has been incorporated into a series of foundational papers on access to remedy and the technology sector, exploring basic concepts and principles, the remedy “ecosystem” approach, company-based grievance mechanisms and the needs of affected stakeholders.²⁷

22. During the fourth phase of the project, a series of events were organized to further address accountability and remedy with respect to human rights abuses in the technology space.²⁸ Participants have examined a range of issues, including the role of States and how technology companies can make a more positive and proactive contribution to remedy, including through non-State-based grievance mechanisms. Some key activities were undertaken in collaboration with the Human Rights, Big Data and Technology Project at Essex University, United Kingdom of Great Britain and Northern Ireland.²⁹

23. In September 2021, OHCHR organized a two-day consultation, as mandated by the Human Rights Council in resolution 44/15, to provide an opportunity for States, experts, civil society and other stakeholders to discuss the challenges involved in seeking and delivering remedies for harms connected to the technology sector and practical ways to address them.³⁰ Over the course of four sessions, more than 40 panellists and 200 registered participants

²³ See www.ohchr.org/EN/Issues/Business/Pages/B-TechProject.aspx.

²⁴ See OHCHR, *Remedy in Development Finance: Guidance and Practice* (2022).

²⁵ See www.ohchr.org/en/documents/tools-and-resources/enforcement-mandatory-due-diligence-key-design-considerations; www.ohchr.org/sites/default/files/Documents/Issues/Business/ohchr-recommendations-to-ec-on-mhrdd.pdf; www.ohchr.org/sites/default/files/Documents/Issues/Business/MandatoryHR_Due_Diligence_Issues_Paper.pdf; and www.ohchr.org/sites/default/files/Documents/Issues/Business/MandatoryHR_Due_Diligence_Key_Considerations.pdf.

²⁶ See www.ohchr.org/EN/Issues/Business/Pages/B-TechProject.aspx.

²⁷ See www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-concepts-and-principles.pdf; www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-ecosystem-approach.pdf; www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-company-based-grievance-mechanisms.pdf; www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/access-to-remedy-perspectives-needs-affected-people.pdf.

²⁸ See, for example, www.ohchr.org/sites/default/files/2022-03/UNGPs-tech-consultation-CN-7_8_March_2022.pdf.

²⁹ See www.hrbdt.ac.uk/corporate-responsibility/.

³⁰ See www.ohchr.org/sites/default/files/Documents/Issues/Business/B-Tech/a2r-tech-consultation-cn-agenda.pdf.

shared their insights regarding the perspectives and needs of affected stakeholders when attempting to seek remedies and the role of courts, State-based non-judicial mechanisms and technology companies in remedying technology-related human rights abuses. Further details of the discussions and key takeaways from the event are available in an addendum to the present report³¹ and a summary report available online.³²

Development finance

24. Another area of OHCHR work that has benefited from learning and guidance from the Accountability and Remedy Project has been focused on development finance institutions.³³

25. In February 2022, in a report entitled *Remedy in Development Finance: Guidance and Practice*, OHCHR argued that a stronger commitment and more proactive, robust approaches to remedy would help development finance institutions to avoid causing or contributing to human rights abuses, minimize their reputational risks and help them to meet changing public expectations concerning responsible business practices. Building on the Guiding Principles and learning from the Accountability and Remedy Project, the report offers a framework and criteria to help development finance institutions assess how and when they should contribute to remedy. An annex provides an independent accountability mechanism assessment tool that draws on guidance from the third phase of the project on how to meet the effectiveness criteria of the Guiding Principles. The Independent Redress Mechanism of the Green Climate Fund has already used the tool to assess its own performance, demonstrating how it could be used by similar mechanisms.³⁴

26. Additionally, OHCHR has used learning from the Accountability and Remedy Project when engaging with numerous institutions to try to better embed human rights considerations into their safeguard policies and frameworks and enhance access to remedy for project-affected people.

27. For instance, the OHCHR submission to the third policy review of the Independent Review Mechanism of the African Development Bank provided an illustrative list of indicators drawn from the third phase of the Accountability and Remedy Project on how the mechanism could benchmark its policies and practices against the effectiveness criteria.³⁵ That helped lead to a stronger revised policy, in which there are now provisions for community consultation, protection against reprisals, increased independence and transparency, and explicit recognition that the mechanism should enable remedy.³⁶

28. Similarly, the engagement of OHCHR in a review process concerning the environmental and social policy framework of the Inter-American Development Bank³⁷ has been influential in bringing about a number of improvements, especially in relation to stakeholder consultation and disclosure, and protection against retaliation.³⁸

29. Throughout the fourth phase of the Accountability and Remedy Project, OHCHR similarly engaged with the Asian Development Bank,³⁹ the Asian Infrastructure Investment

³¹ [A/HRC/50/45/Add.1](#).

³² www.ohchr.org/sites/default/files/2022-03/A2R_in_tech_consultation_report.pdf.

³³ See www.ohchr.org/EN/Issues/Development/Pages/DFI.aspx.

³⁴ See <https://irm.greenclimate.fund/document/self-assessment-report-irm>.

³⁵ See www.ohchr.org/sites/default/files/Documents/Issues/Development/DFI/OHCHR_letter_AfDB_IRM_review_Annex_4_Feb_2021.pdf.

³⁶ See African Development Bank, “African Development Bank adopts new policy to strengthen accountability and support people affected by its operations”, 24 September 2021.

³⁷ See www.ohchr.org/sites/default/files/Documents/Issues/Development/DFI/OHCHR_IDB_ESPF_comments13April2020.pdf.

³⁸ See www.iadb.org/en/mpas.

³⁹ See www.ohchr.org/sites/default/files/Documents/Issues/Development/DFI/ADB_SPS_29April2021.pdf.

Bank,⁴⁰ FMO, the European Investment Bank,⁴¹ the International Climate Initiative⁴² the International Finance Corporation and the Multilateral Investment Guarantee Agency,⁴³ among others.

30. Various meetings and consultations have supported these efforts. For example, OHCHR helped to organize a series of regional meetings on the subject of accessing remedy in development finance along with the Independent Project Accountability Mechanism of the European Bank for Reconstruction and Development, the Independent Redress Mechanism of the Green Climate Fund and the World Bank Inspection Panel. A launch event for the *Remedy in Development Finance* report attracted over 300 participants worldwide from development banks, commercial banks and accountability mechanisms, as well as government representatives, civil society partners and others.⁴⁴

31. In addition, OHCHR has helped to develop and lead the Grievance Redress and Accountability Mechanism Partnership. The partnership is a multi-stakeholder effort initiated by numerous development finance institutions, which offers leadership, a learning and knowledge platform, and a meeting space for academia, civil society and the grievance mechanisms of entities receiving finance and facilitating development projects around the world.⁴⁵

3. Standard-setting and policy processes

32. Throughout the fourth phase of the Accountability and Remedy Project, OHCHR has worked to incorporate learning from the project into normative and policy processes at the international, regional, national and private levels. An example of this has been the work put in to influencing the policies of development finance institutions and their accountability mechanisms (see paras. 26–29 above). The office has also engaged with policymakers in a range of other contexts, as detailed further below.

Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

33. The intergovernmental working group was established in 2014 in response to Human Rights Council resolution 26/9 with a mandate to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises.⁴⁶

34. The work OHCHR has undertaken on accountability and remedy and the process of elaborating a legally binding instrument have a common goal: increasing access to effective remedy for victims of corporate abuses and ensuring accountability for such abuses. OHCHR has thus made submissions to the intergovernmental working group to draw attention to findings from the Accountability and Remedy Project that may be relevant to certain technical aspects of the negotiations, such as the accessibility of legal processes, judicial tests for legal liability, the protection of people from retaliation, mutual legal assistance and international cooperation.⁴⁷

⁴⁰ See www.ohchr.org/sites/default/files/Documents/Issues/Development/DFI/AIIB_ESF_OHCHR_6Nov2020.pdf.

⁴¹ See www.ohchr.org/sites/default/files/Documents/Issues/Development/DFI/Consultation_OHCHR_comments_081321.pdf.

⁴² See www.ohchr.org/sites/default/files/2022-02/OHCHR-comments-BMU-IKI-Safeguards.pdf.

⁴³ See www.ohchr.org/sites/default/files/Documents/Issues/Development/DFI/CAO_Policy_16May2021.pdf.

⁴⁴ See <https://vimeo.com/684181308>.

⁴⁵ See <https://irm.greenclimate.fund/cop/gram>.

⁴⁶ See www.ohchr.org/en/hr-bodies/hrc/wg-trans-corp/igwg-on-tnc.

⁴⁷ See www.ohchr.org/sites/default/files/2021-11/igwg-7th-ohchr-submission.pdf; www.ohchr.org/sites/default/files/Documents/Issues/Business/2nd_Revised_LBI_IGWG6th_session.pdf; and www.ohchr.org/sites/default/files/Documents/Issues/Business/ARP-Submission-RevisedDraftLBI.pdf.

Mandatory human rights due diligence regimes

35. Recent years have seen an increasing number of legislative regimes adopted and proposals put forward at the domestic level on the subject of mandatory human rights due diligence.⁴⁸ Another significant development has been the European Union sustainable corporate governance initiative, which is a regional initiative proposing a mandatory human rights due diligence regime.⁴⁹

36. Guidance from the Accountability and Remedy Project is relevant to the development of robust and effective mandatory human rights due diligence regimes in several ways. For instance, the work on judicial mechanisms emphasizes the importance of aligning tests for corporate liability with the need to encourage companies to conduct human rights due diligence. The work concerning non-judicial grievance mechanisms deals with a number of issues of relevance to administrative oversight bodies, such as the interface between civil liability and administrative enforcement, and the role of publicly accessible grievance mechanisms within regulatory systems. In addition, the guidance on non-State-based grievance mechanisms provides an important benchmark for assessing the seriousness of corporate efforts to provide remedies to affected people, for instance through operational-level grievance mechanisms.

37. Drawing on the work conducted during the successive phases of the project, OHCHR has contributed to the rapidly evolving policy debate in various ways. In 2018, it published a report examining the relationship between human rights due diligence (as described in the Guiding Principles) and determinations of corporate liability, which outlined various ways in which the exercise of such due diligence could be relevant in judicial decision-making.⁵⁰

38. Since then, OHCHR has produced several papers designed to help policymakers navigate the many complex policy choices and trade-offs that can arise in designing legal regimes of this nature. An issues paper in 2020 highlighted the many ways in which mandatory human rights due diligence regimes can contribute to accountability and access to remedy for business-related human rights harm, the different ways that key objectives can be met and some of the strategic advantages and disadvantages of different courses of action.⁵¹ That paper was complemented by a shorter document outlining some key considerations, with more of a focus on the European Union context.⁵² In 2021, OHCHR put forward recommendations to the European Commission focusing on corporate accountability, remedy and the translation of human rights due diligence into a binding legal standard.⁵³ Later that year, and building on the work on non-judicial mechanisms and a series of consultations with States and other stakeholders (see para. 58 below), OHCHR and Shift⁵⁴ jointly published a policy paper on how administrative supervision could complement civil liability for harms in the effective enforcement of due diligence requirements.⁵⁵

39. Following up on this work, and in response to the mandate in Human Rights Council resolution 44/15, OHCHR organized a consultation to explore the links between human rights

⁴⁸ See, for example, www.business-humanrights.org/en/big-issues/mandatory-due-diligence/national-regional-developments-on-mhrdd/.

⁴⁹ See https://ec.europa.eu/info/business-economy-euro/doing-business-eu/corporate-sustainability-due-diligence_en. An initial response to the release of the proposal made jointly by the International Labour Organization, the Organisation for Economic Co-operation and Development and OHCHR is available at www.ohchr.org/sites/default/files/2022-03/eu-csddd-ilo-oecd-ohchr-letter-von-der-leyen.pdf.

⁵⁰ [A/HRC/38/20/Add.2](https://www.ohchr.org/en/hrdocs/additional_documents/A/HRC/38/20/Add.2).

⁵¹ www.ohchr.org/sites/default/files/Documents/Issues/Business/MandatoryHR_Due_Diligence_Issues_Paper.pdf.

⁵² www.ohchr.org/sites/default/files/Documents/Issues/Business/MandatoryHR_Due_Diligence_Key_Considerations.pdf.

⁵³ www.ohchr.org/sites/default/files/Documents/Issues/Business/ohchr-recommendations-to-ec-on-mhrdd.pdf.

⁵⁴ Shift is a non-profit centre of expertise on the Guiding Principles on Business and Human Rights that works to transform how business gets done in order to ensure respect for people's lives and dignity. See <https://shiftproject.org/>.

⁵⁵ www.ohchr.org/en/documents/tools-and-resources/enforcement-mandatory-due-diligence-key-design-considerations.

due diligence, accountability and access to remedy.⁵⁶ The aim of the consultation was to hear from diverse stakeholders about the various ways in which human rights due diligence regimes could enhance accountability and access to remedy for business-related human rights harms around the world and to clarify emerging areas of challenge and concern. Over the course of two days, more than 30 panellists examined global developments, the connections between human rights due diligence regimes and courts, administrative supervision and private grievance mechanisms.⁵⁷ Nearly 300 people registered for the event, representing States, civil society, business and other relevant stakeholders. Further details of the discussions and key takeaways from the event are available in an addendum to the present report.⁵⁸

National action plans on business and human rights

40. The Accountability and Remedy Project also provides tools and guidance that can be useful for the development of national action plans on business and human rights. The Working Group on the issue of human rights and transnational corporations and other business enterprises (Working Group on business and human rights) has defined a national action plan as: “An evolving policy strategy developed by a State to protect against adverse human rights impacts by business enterprises in conformity with the UN Guiding Principles on Business and Human Rights.”⁵⁹ Throughout the process of developing, implementing and updating national action plans, States take stock of their progress in implementing the Guiding Principles, identify gaps requiring further action and develop strategies for addressing those gaps.⁶⁰

41. Many national action plans have been criticized for their failure to sufficiently address accountability and access to remedy.⁶¹ However, there are many and varied ways in which the resources of the Accountability and Remedy Project can be used to help States identify and address gaps in remedy ecosystems. For instance, OHCHR has produced sets of questions and considerations for States to use as a basis for reviewing the effectiveness of their laws and judicial mechanisms,⁶² their State-based non-judicial mechanisms,⁶³ and their role in relation to non-State-based grievance mechanisms.⁶⁴ These model terms of reference can be helpful, for example, when States assess the efficacy of their remedial systems in business and human rights cases.

42. In that context OHCHR has begun undertaking work aimed at promoting those materials in national action plan processes. For instance, OHCHR actively engaged in the development of the Peruvian national action plan. The office provided technical advice on access to remedy and on the relevance of the Accountability and Remedy Project, which resulted in a chapter dedicated to access to remedy, as well as a commitment to review legislative frameworks and judicial and non-judicial mechanisms “in line with the recommendations of the OHCHR Accountability and Remedy Project”.⁶⁵

43. It is worth noting that the second national action plan on business and human rights in Italy also explicitly references and draws on the Accountability and Remedy Project.⁶⁶

⁵⁶ See www.ohchr.org/sites/default/files/2022-01/consultation-arp-hrdd-cn-agenda.pdf.

⁵⁷ A recording of the event is available at <https://vimeo.com/showcase/9339013>.

⁵⁸ [A/HRC/50/45/Add.1](#).

⁵⁹ Working Group on business and human rights, “Guidance on national action plans on business and human rights” (November 2016), p. 3.

⁶⁰ [A/69/263](#), para. 6.

⁶¹ See, for example, International Corporate Accountability Roundtable, European Coalition for Corporate Justice and Dejusticia, *Assessments of Existing National Action Plans (NAPs) on Business and Human Rights* (August 2017), p. 5.

⁶² [A/HRC/32/19/Add.1](#), figure 1.

⁶³ [A/HRC/38/20/Add.1](#), figure 1.

⁶⁴ [A/HRC/44/32/Add.1](#), figure 1.

⁶⁵ See <https://cdn.www.gob.pe/uploads/document/file/2399831/Plan%20Nacional%20de%20Acci%C3%B3n%20sobre%20Empresas%20y%20Derechos%20Humanos%202021-2025.pdf> (in Spanish only).

⁶⁶ See https://cidu.esteri.it/comitatodirittiumani/resource/doc/2021/12/secondo_pan_bhr_en.pdf, p. 56.

However, the full potential of the project in relation to national action plans has not yet been realized and OHCHR plans to increase this type of engagement going forward.

4. Capacity-building activities and public outreach

44. Throughout the fourth phase of the Accountability and Remedy Project, many activities were planned to promote the project to and build the capacities of different actors. The coronavirus disease (COVID-19) pandemic somewhat hampered those efforts, particularly for in-person interactions; however OHCHR has been able to participate in over 80 events involving the project since July 2020, covering all United Nations regional groups. Those events adopted a range of formats (for example, training, consultations and presentations) and targeted a variety of stakeholders (States, companies, multi-stakeholder initiatives, lawyers and civil society organizations), all helping to raise awareness of the Accountability and Remedy Project and to promote further uptake of its guidance.

Work within OHCHR

45. Over the past few years, there has been an increasing recognition of the cross-cutting nature of the business and human rights agenda and its relevance to the varied activities and functions of OHCHR. More and more teams within OHCHR, especially the in-country presences, have been working on matters related to business and human rights, including in relation to corporate accountability and access to remedy. Recognizing this, the Business and Human Rights Unit within OHCHR has devoted much attention to coordinating activities related to business and human rights across the Office and has facilitated an internal network of over 125 colleagues across regions and thematic areas for this purpose. The network has provided a platform to help build capacities internally on the Accountability and Remedy Project and to discuss its implementation on the ground in countries around the world. For example, in 2021 two sessions of the network were devoted to discussing access to effective remedy and ways that the project has been or could be promoted in the work of colleagues.

46. Another internal initiative that has helped boost the capacities of colleagues regarding access to effective remedy and business and human rights more generally has been an internal training series for all those working on or in Asia, the Pacific region, the Middle East and North Africa. That training series was a pilot project undertaken in 2021 to strengthen business and human rights awareness and equip colleagues with the knowledge needed to incorporate the Guiding Principles into their work. Over the course of two months, over 85 staff participated in six learning modules, one of which was devoted to access to remedy and learning from the Accountability and Remedy Project. Following the success of the pilot, OHCHR will be expanding the training to other parts of the Office.

Regional work in Latin America and the Caribbean

47. Business-related human rights abuses have increasingly garnered urgent attention from OHCHR field presences around the world and it has consequently developed a comprehensive and strategic plan with United Nations teams in certain regions to help boost implementation of the Guiding Principles. While work on the Accountability and Remedy Project took place in all United Nations regional groups and plans are under way to support business and human rights specifically in Africa, the work undertaken in Latin America and the Caribbean merits special attention.

48. The project on responsible business conduct in Latin America and the Caribbean is funded by the European Union and jointly implemented by OHCHR, in collaboration with the Working Group on business and human rights, the International Labour Organization and the Organisation for Economic Co-operation and Development.⁶⁷ The project has promoted responsible business practices in line with international standards in nine countries in the region. Key activities of the project have focused on supporting the development and implementation of national action plans on business and human rights and other related public policies (see para. 42 above), enhancing capacities to undertake human rights due diligence, facilitating the sharing of experiences and lessons learned, and strengthening

⁶⁷ See <https://empresasyderechoshumanos.org/>.

access to remedy. In that context, learning from the Accountability and Remedy Project has been promoted in many different ways.⁶⁸

49. One way has been through the many events in the context of the project on responsible business conduct in Latin America and the Caribbean. For instance, the Regional Forum on Business and Human Rights for Latin America and the Caribbean is the largest multi-stakeholder gathering on the subject in the Americas.⁶⁹ Each year, dozens of sessions are held for thousands of participants and the Accountability and Remedy Project is a regular item in the programme. The theme of the 2022 regional forum will be on accountability, and work on the Accountability and Remedy Project will feature prominently. During the fourth phase of the Accountability and Remedy Project, at least 40 events focusing on accountability and remedy were conducted within the context of the project on responsible business conduct in Latin America and the Caribbean, including sessions dedicated to the role of States, judges, companies and civil society in different country contexts.

50. Various activities supporting rights holders and civil society organizations regarding access to remedy have taken place. For instance, the OHCHR office in Colombia organized a series of seminars held over five weeks to help civil society organizations, communities and public servants learn about and make use of relevant non-judicial grievance mechanisms.⁷⁰ Additionally, with respect to specific cases of adverse human rights impacts, field presences in Argentina, Colombia, Mexico and Peru have helped to promote dialogue among the different actors involved and have provided support to affected communities and civil society organizations.

51. Other activities have sought to boost the capacities of national human rights institutions. For example, in Argentina OHCHR worked with the national human rights institution (Defensoría del Pueblo) to help form a working group of ombudspersons from across the country. A series of training sessions and discussions for this group of 24 national, provincial and municipal ombudsperson offices led to the development of a framework protocol for the action of ombudspersons offices in business and human rights, which includes recommendations drawn from the guidance of the Accountability and Remedy Project.⁷¹ Subsequently, the national human rights institution has been building upon this work for internal training and in its engagement with the Argentine National Contact Point.

52. OHCHR has also worked with lawyers, bar associations and judges in the region to promote the use of the Guiding Principles and the Accountability and Remedy Project, support peer-to-peer learning and analyse and address challenges in the region (see para. 59 below).⁷² For example, in September 2021 OHCHR helped organize training for public defenders in Argentina, Brazil, Chile, Paraguay and Uruguay that covered the responsibilities of companies and relevant grievance mechanisms.

53. The project on responsible business conduct in Latin America and the Caribbean has also been producing resources on accountability and remedy, such as a study mapping the state of play of remedy in the region, planned to be released in 2022.

Work with partners

54. Given the wide scope of the Accountability and Remedy Project and the activities needed to ensure its uptake around the world, OHCHR has sought to work with numerous partners on capacity-building and public outreach. A network of over 800 contacts receives

⁶⁸ See <https://empresasyderechoshumanos.org/reparacion/>.

⁶⁹ See www.ohchr.org/en/special-procedures/wg-business/about-regional-forums-business-and-human-rights.

⁷⁰ See www.hchr.org.co/index.php/informacion-publica/eventos/9244-conducta-empresarial-responsable-en-america-latina-y-el-caribe (in Spanish only).

⁷¹ See www.rindhca.org/actualidad/indh/argentina/la-defensoria-del-pueblo-de-la-nacion-lanzo-el-protocolo-marco-para-la-actuacion-de-defensorias-del-pueblo-en-empresas-y-derechos-humanos (in Spanish only).

⁷² See, for example, <https://empresasyderechoshumanos.org/?actividad=el-rol-de-las-cortes-constitucionales-en-el-acceso-a-reparacion-en-el-contexto-de-actividades-empresariales>.

periodic updates and requests to collaborate on the project.⁷³ In addition, certain capacity-building initiatives have been planned with organizations to increase the implementation of guidance from the project by different stakeholders.

55. OHCHR has long worked with the Working Group on business and human rights to promote accountability and access to remedy.⁷⁴ The Business and Human Rights Unit within OHCHR has worked in close collaboration with the Working Group throughout the Accountability and Remedy Project, including on the development of its guidance and on the promotion of the guidance externally. The collaboration will continue in the context of implementing the Working Group's global and regional road maps for the next decade of business and human rights.⁷⁵

56. Another notable partnership is the Grievance Redress and Accountability Mechanism Partnership, which was set up to help build the capacities of the mechanisms of entities receiving development finance in order to better ensure access to remedy for project-affected people (see para. 31 above). The informal partnership was started by the Audit Office of the Black Sea Trade and Development Bank, the Social and Environmental Compliance Unit of the United Nations Development Programme and the Independent Redress Mechanism of the Green Climate Fund, the latter of which provides secretariat services to the partnership at the time of writing. Since its inception, OHCHR, Accountability Counsel, amfori and the Access to Remedy Institute have joined the steering committee of the partnership to help decide on and implement its activities. Thus far, the primary activities of the partnership have been a series of webinars designed (a) to discuss how such grievance mechanisms can be designed and administered in an effective, rights-respecting way and (b) to build a community of practice among the many hundreds of people participating in the partnership.⁷⁶ Going forward, planned activities include the development of good practice notes, an online knowledge-sharing platform and a mentorship programme for newer mechanisms to learn from more established ones.

57. To further the guidance developed in the third phase of the project, OHCHR has worked with the ISEAL Alliance to enhance the role of sustainability systems and their partners in accountability and remedy.⁷⁷ OHCHR has started to engage with ISEAL members to explore options for advancing better access to remedy within their networks, including by implementing the guidance from the Accountability and Remedy Project in mechanisms where they already exist and covering the ways in which sustainability systems can support the remedial efforts of members of the organization throughout their operations.

58. In the context of its work on human rights due diligence, accountability and access to remedy, OHCHR has worked with Shift on the enforcement of mandatory due diligence regimes.⁷⁸ In 2021, OHCHR and Shift jointly organized a series of consultations with States, civil society, business, academics and other experts on the respective roles of civil liability and administrative supervision in mandatory human rights due diligence laws. Those discussions informed a joint policy paper issued in October 2021 entitled "Enforcement of mandatory due diligence: key design considerations for administrative supervision", in which there is practical guidance for policymakers on how to avoid pitfalls in corporate regulation

⁷³ See, for example, https://myemail.constantcontact.com/OHCHR-ARP--Latest-updates.html?soid=1134752683916&aid=GT08_zjLc9E. Any interested party can join the mailing list by emailing OHCHR-business-access2remedy@un.org.

⁷⁴ The Working Group is a special procedures mandate composed of five business and human rights experts who have been tasked by the Human Rights Council to promote the dissemination and implementation of the Guiding Principles on Business and Human Rights.

⁷⁵ See Working Group on business and human rights, *Raising the Ambition – Increasing the Pace. UNGPs 10+: a Roadmap for the Next Decade of Business and Human Rights* (November 2021) and <https://empresasyderechoshumanos.org/prnu10/>.

⁷⁶ Overviews and recordings of the webinars are available at <https://irm.greenclimate.fund/cop/gram>.

⁷⁷ The ISEAL Alliance is a membership-based organization composed of over 30 sustainability systems and accreditation bodies, which themselves have thousands of company members working across more than 100 countries in a range of sectors. See www.isealalliance.org/.

⁷⁸ See <https://www.ohchr.org/en/documents/tools-and-resources/enforcement-mandatory-due-diligence-key-design-considerations>.

and what deserves emphasis when designing administrative supervision of human rights due diligence duties.⁷⁹ That work has since formed the basis for further collaboration on the issue.

59. Another important collaboration is with the Konrad-Adenauer-Stiftung.⁸⁰ The foundation has a particular focus on business and human rights in Latin America.⁸¹ In the context of the project on responsible business conduct in Latin America and the Caribbean, OHCHR and the Konrad-Adenauer-Stiftung have begun working together to boost the capacities of judges in the region, in particular by building upon the work done in the context of the Accountability and Remedy Project on the relationship between human rights due diligence and legal liability. Discussions have already taken place with constitutional court judges at the regional level and multiple sessions are planned for similar discussions at the country level.

Work with developers and operators of grievance mechanisms

60. Although capacity-building and outreach activities have been done with respect to all relevant stakeholders during the fourth phase of the project, there have been many productive engagements with developers and operators of non-State-based grievance mechanisms, such as business enterprises, in particular.⁸²

61. During this phase of the project, OHCHR participated in at least 15 events specifically dedicated to the challenges non-State-based grievance mechanisms face and ways in which those challenges could be overcome. Together, these events reached many hundreds of people working on remedy at companies, multi-stakeholder initiatives, grievance redress mechanisms and the independent accountability mechanisms of development finance institutions. OHCHR has also engaged privately with companies and other entities on the design and performance of their grievance mechanisms.

C. Uptake

62. The demands of the work conducted by OHCHR during the first three phases of the Accountability and Remedy Project meant that there was little time for proactive dissemination of the findings and guidance from the project and OHCHR has welcomed the opportunity to focus on this aspect more fully during the fourth phase. While it is too early for a detailed analysis of the project's impact, the discussion above indicates that there are many promising initiatives currently under development, or already taking place, that have drawn on the project's findings in various and positive ways (see paras. 25–31, 42–43, 50–51 and 55–61 above).

63. In the meantime, OHCHR is aware that many scholars, organizations and entities have drawn on or reflected learning from the project in their work. OHCHR has identified over 300 resources (for example, books, reports, articles) that use or reference the project's findings in some way.⁸³

64. OHCHR appreciates the efforts of the Working Group on business and human rights to raise awareness of the project and promote its findings. For instance, its stocktaking report examining the first decade of implementation of the Guiding Principles draws on findings from the project regarding the state of play on access to remedy.⁸⁴ The subsequent road map

⁷⁹ See www.ohchr.org/en/documents/tools-and-resources/enforcement-mandatory-due-diligence-key-design-considerations.

⁸⁰ The Konrad-Adenauer-Stiftung is a think tank with programmes in over 100 countries that provides analyses of and practical guidance for contemporary challenges. See www.kas.de/es/web/rspla.

⁸¹ See, for example, https://pure.udem.edu.mx/ws/portalfiles/portal/38040327/Experiencias_LA_Empresas_KAS2022.pdf (in Spanish only).

⁸² Developers and operators of non-State-based grievance mechanisms include entities or organizations that create, design or host non-State-based grievance mechanisms (such as business enterprises or development finance institutions), non-State-based grievance mechanisms themselves and their personnel.

⁸³ See https://docs.google.com/spreadsheets/d/1ZCJbimAg_LBA4m0xsrn0u8INnY7txBgDIL4uwh2rZ9w/edit?usp=sharing.

⁸⁴ See [A/HRC/47/39](https://www.ohchr.org/en/documents/indicators-and-instruments/A_HRC_47_39).

for the next decade of business and human rights, drawn up by the Working Group, specifically calls on States and business to implement the guidance from the Accountability and Remedy Project going forward.⁸⁵ Additionally, many of its thematic reports reference that guidance and/or call on States to implement it, for example its reports on human rights defenders,⁸⁶ national human rights institutions,⁸⁷ access to remedy⁸⁸ and cross-border cooperation between States with respect to law enforcement.⁸⁹

65. Business and human rights reporting and benchmarking frameworks have also been incorporating the guidance from the Accountability and Remedy Project into their assessment criteria. A notable example of this is the Corporate Human Rights Benchmark, which provides a comparative snapshot each year of how the policies, processes and practices of some of the largest companies in the world respect human rights.⁹⁰ In 2021, the Corporate Human Rights Benchmark updated its methodology, explicitly incorporating guidance from the project on non-State-based grievance mechanisms into its indicators on remedies and grievance mechanisms.⁹¹ As a result, assessments of companies will now examine more closely the extent to which companies protect against retaliation against remedy seekers, address power imbalances in grievance processes and report on how their grievance mechanism processes work in practice, among other issues.

66. Outcomes and findings from the project are also being integrated into teaching materials on business and human rights. Professors of law and business from a number of different jurisdictions have expressed their appreciation of insights from the project, particularly concerning issues such as the nature of remedy, the state of play of access to remedy in business and human rights cases around the world, the advantages and disadvantages of different public and private approaches to remedy, and how different legal systems and non-judicial mechanisms can address barriers to remedy in practice. Some academics have used the project and its findings as inspiration for student projects.⁹² The outcomes and findings from the project have also been incorporated into public learning platforms (see para. 16 above). For instance, in the Council of Europe online course on business and human rights, which is one component of its programme on human rights education for legal professionals, findings and materials from the project are explicitly incorporated into the module on defending rights and remedying harm.⁹³

67. Additionally, different stakeholders have shared with OHCHR that they have been using project materials:

- (a) As a basis for review of State-based and non-State-based remedial systems;
- (b) As guidance to set up or improve existing grievance mechanism policies and processes;
- (c) To help with the development of national action plans on business and human rights;
- (d) To identify areas in need of further research and work;
- (e) To identify opportunities for engagement with States and developers and operators of grievance mechanisms;

⁸⁵ See Working Group on business and human rights, *Raising the Ambition - Increasing the Pace. UNGPs 10+: a Roadmap for the Next Decade of Business and Human Rights*.

⁸⁶ [A/HRC/47/39/Add.2](#).

⁸⁷ [A/HRC/47/39/Add.3](#).

⁸⁸ [A/72/162](#).

⁸⁹ [A/HRC/35/33](#).

⁹⁰ www.worldbenchmarkingalliance.org/corporate-human-rights-benchmark/.

⁹¹ See www.worldbenchmarkingalliance.org/research/the-methodology-for-the-2022-corporate-human-rights-benchmark/.

⁹² See, for example, <https://lcbackerblog.blogspot.com/2020/11/the-penn-state-csr-lab-2020-report-no-2.html>.

⁹³ www.coe.int/en/web/help/-/business-and-human-rights-council-of-europe-help-6-hr-free-online-course-

(f) In advocacy to strengthen accountability and access to remedy through different types of remedial mechanisms, including with respect to legislative measures;

(g) As a basis for capacity-building activities (for example, training) of States, national human rights institutions, National Contact Points, companies and others;

(h) As a basis to create partnerships and collaborative endeavours (for example, to pilot new forms of multi-stakeholder grievance mechanisms and create platforms for other forms of collaboration and knowledge-sharing).

D. Way forward

68. OHCHR has been encouraged by the extent to which different stakeholders have been using the learning from the Accountability and Remedy Project in efforts to ensure corporate accountability and access to remedy for victims of business-related human rights abuses.

69. Nevertheless, the fact that accountability and remedy for business-related human rights harms remains so elusive in practice shows the scale of the challenges ahead. The guidance developed through the project can be a vital source of information and inspiration for State, business and other actors as they decide how best to direct their resources and efforts. However, OHCHR recognizes the need for further work to help these actors apply project findings to different situations and contexts.

70. In response to a consultation exercise on how to better ensure understanding and uptake of recommendations from the Accountability and Remedy Project, it was suggested that OHCHR:

(a) Develop simplified, plain language versions of the guidance, including in different formats (for example, video recordings);

(b) Create more targeted materials, for instance sector-, issue- or region-specific guidance and/or materials tailored to specific stakeholder groups;

(c) Ensure broader dissemination of the work of the project, including by translating its materials into more languages;

(d) Work more with rights holders to raise awareness of the project and how it could be used when seeking remedy and advocating for reforms;

(e) Foster more partnerships with civil society organizations, industry associations, multi-stakeholder initiatives, the private sector and others to help develop tools, raise awareness and build capacities;

(f) Engage more directly with policymakers, judges and government bodies on the content and relevance of the findings and recommendations from the project, for instance to aid in the development and implementation of laws and national action plans on business and human rights;

(g) Facilitate more peer learning and sharing of good practices.

71. As indicated in the sections above, many of these activities are under way or planned, although resource and capacity constraints make it difficult to effectively undertake this work at scale. Continued support from the Human Rights Council will be crucial to ensuring that all the work developed over the past eight years of the Accountability and Remedy Project will be put into practice. Additionally, it will be essential for States, companies, developers and operators of grievance mechanisms, civil society organizations, trade unions and other relevant stakeholders to take ownership of the findings and recommendations from the project, promote the work in creative ways and increase implementation efforts in order to ensure that when business-related human rights abuses occur, rights holders have realistic and viable pathways to effective remedy.

III. Recommendations

72. Member States should:

(a) Carry out a mapping exercise to clarify the roles of various types of remediation mechanisms – judicial and non-judicial, State-based and non-State-based – in ensuring accountability and access to remedy in cases of business-related human rights abuse;

(b) Undertake a review of the effectiveness of the remediation mechanisms identified through the mapping exercise and of the effectiveness of the surrounding domestic legal frameworks and policies, in ensuring accountability and access to remedy in cases of business-related human rights abuse, drawing on (i) the guidance⁹⁴ and model terms of reference⁹⁵ set out in the OHCHR reports on the Accountability and Remedy Project and (ii) the road map for the next decade of business and human rights developed by the Working Group on business and human rights;⁹⁶

(c) Apply the findings from the review process to inform strategies for addressing any deficiencies in relevant domestic laws, policies and institutions that may interfere with the goals of ensuring corporate accountability for, and realistic and readily identifiable pathways to remedy for victims of, business-related human rights abuses;

(d) Integrate those strategies into national action plans on business and human rights and/or as part of strategies to improve access to justice in general;

(e) Implement those strategies and use the guidance from the Accountability and Remedy Project to enhance the ability of judicial and non-judicial mechanisms to respond to cases of business-related human rights abuse, including where the relevant facts, evidence, harm and/or actors are located in more than one jurisdiction;

(f) Work through relevant international organizations to identify and support targeted action for strengthening the effectiveness of remediation mechanisms that are relevant to the respect by business enterprises for human rights, including through information-sharing and peer learning.

73. Developers and operators of non-State-based grievance mechanisms,⁹⁷ including business enterprises, should:

(a) Develop and implement strategies to improve the effectiveness of the grievance mechanisms with which they are involved, drawing on (i) relevant resources from the Accountability and Remedy Project, in particular the guidance set out in the report on the third phase of the project,⁹⁸ (ii) the OHCHR publication, *Remedy in Development Finance: Guidance and Practice* and (iii) the road map for the next decade of business and human rights developed by the Working Group on business and human rights;⁹⁹

⁹⁴ See [A/HRC/32/19](#), annex (for judicial mechanisms); [A/HRC/38/20](#), annex (for State-based non-judicial mechanisms); and [A/HRC/44/32](#), annex, part I (for the State role in relation to non-State-based grievance mechanisms).

⁹⁵ See [A/HRC/32/19/Add.1](#), figure 1 (for judicial mechanisms); [A/HRC/38/20/Add.1](#), figure 1 (for State-based non-judicial mechanisms); and [A/HRC/44/32/Add.1](#), figure 1 (for the State role in relation to non-State-based grievance mechanisms).

⁹⁶ Working Group on business and human rights, *Raising the Ambition – Increasing the Pace. UNGPs 10+: a Roadmap for the Next Decade of Business and Human Rights* (in particular, pp. 30–34).

⁹⁷ Developers and operators of non-State-based grievance mechanisms include entities or organizations that create, design or host non-State-based grievance mechanisms (such as business enterprises or development finance institutions), non-State-based grievance mechanisms themselves and their personnel.

⁹⁸ [A/HRC/44/32](#), annex, parts II–III.

⁹⁹ Working Group on business and human rights, *Raising the Ambition – Increasing the Pace. UNGPs 10+: a Roadmap for the Next Decade of Business and Human Rights* (in particular, pp. 30–34).

(b) In all activities concerned with the design, evaluation and improvement of such grievance mechanisms, meaningfully and proactively engage with external stakeholders, including unions, representatives of affected communities (for example indigenous peoples' organizations) and civil society organizations to ensure that such grievance mechanisms are properly responsive to the needs and preferences of (potentially) affected stakeholders;

(c) Seek out opportunities to exchange information and share lessons learned with practitioners who may be dealing with similar challenges, including through relevant industry, multi-stakeholder and other collaborative initiatives, with a view to enhancing the effectiveness of these grievance mechanisms as a source of accountability and remedy in cases of business-related human rights abuse.

74. Civil society, including academia, should:

(a) Continue their vital work shedding light on the legal, practical and other relevant barriers faced by those adversely impacted by business-related human rights abuses, including the ways in which structural, social and other factors can operate (and combine) to exacerbate those barriers for particular groups;

(b) Continue advocating for and otherwise working towards the rights of affected stakeholders, the progressive reduction of barriers to remedy, strengthened domestic laws and policies, and the development of more robust, responsive and coherent remedy ecosystems, drawing on (i) the relevant resources from the Accountability and Remedy Project and (ii) the road map for the next decade of business and human rights developed by the Working Group on business and human rights;

(c) Continue working with States, business actors, other civil society organizations, United Nations entities and other relevant stakeholders to enhance corporate accountability and access to effective remedy for business-related human rights abuses;

(d) Otherwise incorporate the relevant learning and resources from the Accountability and Remedy Project into work regarding corporate accountability and access to effective remedy for business-related human rights abuses.
