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Thesis

The International Commission of Jurists has a mandate to promote and protect human rights and the Rule of Law. The understanding of human rights and the Rule of Law has evolved over time. Today it also encompasses the world of economic actors and the need to protect human rights also in the context of business activity.

The ICJ works on two broad areas: a) the development of international standards and law, and b) The enhancement of opportunity for accessing and effecting remedy and justice on the face of violations by economic actors.

The development or clarification of international standards is a slow but necessary process. There were no internationally recognized standards until the adoption of the United Nations Guiding Principles in 2011.

The UNGPs are just the “end of the beginning” and much more is needed and actually happening. UN human rights committees and UN special procedures are leading in clarifying the State obligations under respective treaties. Recently the UN started a process towards an international treaty in the field of business and human rights.

The Elements of the future treaty have been published by the beginning of October and will be discussed in the intergovernmental session of 23-27 October. The document contains mainly obligations for States in relation to business activity, but also some obligations addressed to business enterprises. National and international monitoring and remedial mechanisms.

The second stream of work for the ICJ is the promotion of access to effective remedy, in particular judicial remedy. Remedy has been the weakest link in the UNGPs and only recently has the international community taken some action.

The ICJ country studies on access to justice for business-related human rights abuse show that legislation and enforcement across jurisdictions are weak, the victims of abuse in third countries have greater obstacles in accessing justice, and courts are many times ill-equipped to deal with current challenges of abuses in global supply chains, among others.

To improve the chances of people to obtain redress when their rights or interests have been affected, the ICJ pays now attention also to company-based grievance mechanisms. A special Panel with five ICJ Commissioners has been established supported by advice from some twenty external practitioners.

The two-year process underway will conclude with an analytical report and a series of performance standards for business to follow when designing and implementing operational grievance mechanisms. This work aims at improving

the complementarity of grievance mechanisms with the judicial avenues available to the victims of abuse.