Call for Input for ARP IV Report and HRDD Consultation

Compilation of responses to the question regarding the consultation

On 3-4 March 2022, OHCHR organized a consultation to explore the links between human rights due diligence, accountability, and access to remedy (video recording). Ahead of the consultation, OHCHR issued an open call for input that provided an opportunity to feed into the consultation discussions, as well as the report that would be subsequently written on the fourth phase of the Accountability and Remedy Project (A/HRC/50/45). In total, 23 submissions were received, including 6 from State representatives. The table below compiles only those responses that directly answered the question in the call for input regarding the consultation.

Submission	3. To help inform the consultation on the links between human rights due diligence, accountability, and access to remedy, what materials should OHCHR be made aware of? What questions or issues should be addressed during the consultation?
Access to Remedy Institute	An important issue regarding human rights due diligence, accountability and access to remedy is that, in many mechanisms, not all relevant stakeholders are brought to the table. For example, in project finance through either commercial or development banks, an operating entity (e.g., a company contracted to building a hydroelectric dam) is often required to establish an operational-level NJGM (in case of Equator Principles A-risk category) and report on grievances to the financiers. The NJGM, however, is based on dialogue between the operating company and rights holders and does not include financiers nor State representatives. The government of the host country, however, may be involved (e.g., because it expropriates land, provides permits or receives royalties if the dam is completed). Thus, even if rights holders and the company reach a solution within the operation-level NJGM (e.g., the human rights impact assessment should be redone and after this advised measures should be implemented), this may lead to a shift in the project completion date that impacts contractual arrangements with the financial institution and the government – parties who did not participate in the dialogue, nor agree to be bound by it. Thus, it may well be that the contractual sanctions connected to a delayed completion (such as high interest penalties or postponement of royalty payments to the government) are imposed. This may make the operating company reluctant to meaningfully implement the solutions agreed to within the operational-level grievance mechanism. In a scenario where the company and rights holders reach an agreement that then subjects the company to contract-imposed sanction, it is unclear whether the company or rights holders would then have access to the grievance mechanisms of the financial institution, where they exist. But even if one of the financers, such as a development bank, accepts such a complaint, this would not solve the issue vis-à-vis commercial banks nor the government, who may also be involved. Thus, in order to organize meaningful dispute resolution, the relevant financiers (and the government) should also be part of the dialogue. New approaches ought to be developed to bring all relevant stakeholders to the table.[1]

[1] See for example Martijn Scheltema, 'Access to remedy in transnational development projects: the need for effective and comprehensive remedy ecosystems', (2021) 17 International Journal of Law in Context 136.

	A further and often mentioned issue is that most operational-level and multi-stakeholder NJGMs are developed with limited or no consultation of relevant stakeholders. For example, rights holders are scarcely surveyed on their access to remedy needs before a mechanism is developed. Therefore, most mechanisms, although developed with good intentions, do not match the expectations of rights holders, resulting in rights holders distrusting and shunning such mechanisms—if indeed rights holders are aware that they exist at all. A paradigm shift in the UNGPs and OECD Guidelines, which in the non-judicial non-State based arena still focus on operational-grievance mechanisms, may be required. Instead of establishing such mechanisms at the company or supplier level, it may be more effective to facilitate and incentivize the establishment of community or worker driven mechanisms, which better serve rights holders' needs regarding access to remedy. Instead of funding company or supplier driven mechanisms, companies may fund the development of such mechanisms, preferably through independent organizations with expertise in that area, such as the WSR Network.[2] This approach is more effective than the current approaches in which companies may consult rights holders, but such consultation is a top-down, tick-the-box exercise. Rights holders may not completely trust the company and may be reluctant to provide information for fear of retaliation. As a result, the input from such consultations, even if undertaken with good intentions, may not be very informative. Trusted independent organizations have better chances of conducting effective engagement and co-design with rights holders. Thus, companies should consider funding such organizations to drive implementation of community- or worker- driven NJGMs. Legislators implementing human rights due diligence and access to remedy requirements should also consider this approach, instead of encouraging companies themselves to establish of operational-level NJGMs. Governments may also support organizations assisting in the development of such community- or worker- driven mechanisms.
amfori	Impact of existing and upcoming HREDD legislations, the requirements they might contain in terms of e.g. conducting due diligence, setting up / being part of a grievance mechanism, and how those laws enable accountability. All the while taking into account any differences regarding requirements on the national level versus those on the European level and what simultaneous compliance of companies on both levels looks like. Meaningful stakeholder engagement as a key feature of the entire due diligence process, including when providing A2R. How to overcome challenges and constraints for SMEs who might struggle with identifying who their rightsholders are, where they might be situated and how to engage with them? The preventative nature of due diligence: how to effectively utilize grievance mechanisms as a tool to avoid infringing on the rights of others? How to determine what appropriate due diligence looks like and whether good quality due diligence has been put in place?

[2] Worker-Driven Social Responsibility Network, https://wsr-network.org/.

	Stakeholders, regulators, companies are looking to de-silo risk management on human rights & environmental impacts. This consultation seems to focus mainly on HRDD. Is that to be interpreted as in HREDD? If so, how to go about designing access to remedy systems in such a way that encompass the two risk areas? Some environmental impacts are of collective nature (see e.g. climate change) and might result in harm for future generations: how to cater for those differences when designing A2R & accountability systems? Session 4: possible challenges faced by private/non-judicial grievance mechanisms when faced with complaints which need to be escalated a judicial system and/or with legal implications. How cooperation could be an answer.
Avocats Sans Frontières	Parmi les problématiques les plus fréquemment rencontrées, on souligne pour certains pays notamment : • La faiblesse ou dans d'autres cas la lenteur du système judiciaire en général et dans les contentieux environnementaux, en particulier. • L'opacité dans le mode de fonctionnement et de gestion des entreprises et l'accès aux informations de la partie des victimes à cet égard. • Le manque de formation (et parfois réticence) des juges aux contentieux environnementaux et aux contentieux de corruption des entreprises. • Le besoin d'améliorer les cadres juridiques nationales. • La fragilité de l'Etat et de ses préposes, ainsi que des Institutions nationales et constitutionnelles de lutte contre la corruption ou de défense des droits humains faibles ou menacées par un contexte politique nationale souvent compliqué dans certains pays. • Le Système de RSE défaillant et loi sur la RSE loin d'être conforme aux standards internationaux. • La faible connaissance et prise de conscience des victimes de leurs droits, des responsabilités des entreprises et de l'Etat, etc...
Business & Human Rights Resource Centre	To help inform the consultation on the links between human rights due diligence, accountability, and access to remedy, we recommend that OHCHR review the following materials produced by BHRRC and others. **a. Hearing the Human, BHRRC, 2021** Key messages and recommendations in BHRRC's 2021 Report Hearing the Human: Ensuring due diligence legislation effectively amplifies the voices of those affected by irresponsible business, include: • Human rights and environmental due diligence is about preventing and addressing harm. Early, safe, and meaningful engagement of rightsholders and human rights defenders (HRDs) is therefore critical to moving due diligence beyond a top-down, 'check-box' exercise. For more information, see page 2, first paragraph. • Companies should address harms and provide remedies: HRDs – both individuals and groups – can provide information on any adverse human rights impacts that companies are involved with across their operations and business relationships, and through products or services. This information is invaluable for defining preventive measures, ceasing and mitigating actual harms, and providing remedy to affected people. For more information, see page 5. • Legislative efforts must ensure 1) effective processes and transparency for risk assessment, prevention, and remedy and 2) supervision and enforcement of the Sustainable Corporate Governance Initiative, which also highlights the need for mHREDD legislation and access to remedy. For more information, see pages 6 and 7.

b. Social Audit Liability Annual Briefing, BHRRC 2021

In 2021, BHRRC published a briefing titled Beyond social auditing: Key considerations for mandating effective due diligence. The Briefing affirms that the ultimate goal of due diligence is to prevent and address harm to people and the planet. This has to go hand-in-hand with remediation and reparation for individuals or groups where adverse impacts occur.

Legislation should require companies to have effective grievance mechanisms in place, which can also play an important part in the identification of risk, guarantee rightsholders can file complaints without fear of reprisal, and provide for or cooperate in the provision of remedy for affected individuals and groups. Crucially, this is something social audits, certification systems and related multi-stakeholder initiatives fail at. 'Remediation plans' in the audit context often do not even foresee remedy for specific individuals or groups who have already been harmed.

Remediation requirements for companies must be backed up by a robust civil liability regime to ensure victims of abuse have access to legal remedy for harms, while creating a strong preventative effect. The crucial dual role of civil liability is acknowledged by businesses too. A well-designed civil liability mechanism, complemented by administrative and potentially criminal liability, can incentivise genuine and effective human rights and environmental due diligence and create a true level-playing field, beyond a mere tick-box approach." For more information, please see page 5 on access to remedy.

c. Business & Human Rights Defenders in Colombia, BHRRC, 2020

The Resource Centre's 2020 Briefing on Business & Human Rights Defenders in Colombia includes key requirements and recommendations for companies on due diligence, accountability, and access to remedy as they relate to HRDs. Accordingly, companies should:

- Implement due diligence procedures for the prevention of negative impacts on the human rights of individuals, communities and the environment, which explicitly recognises the risks to HRDs. Even when HRDs' concerns are not about them directly, companies that invest in districts and/or sectors with high levels of attack need to prioritise the risks to HRDs in their human rights due diligence and act consistently on their findings.
- Respect popular consultations, free, prior, and informed consent processes, and community-led human rights and environmental assessments that reflect the aspirations of local communities, rather than favouring the development model preferred, and in some cases imposed, by the State, financial institutions and investors.
- Adopt a zero-tolerance approach on reprisals and attacks on HRDs not only in their operations but also when they are linked to such attacks through their value chain and business relationships.

Additional Materials

In addition to the above resources produced by BHRRC, we also recommend OHCHR consult the following resources by partner organizations and other actors in the business & human rights movement:

- Business & Human Rights: Access to Justice and Effective Remedies - The European Law Institute & Fundamental Rights Agency, 2022

	• The French Duty of Vigilance Law in Comparison with the Proposed German Due Diligence Act – Similarities and Differences - Laura Nasse, University of Heidelberg, 2021 • Due Diligence and Civil Liability: Comments from multi-stakeholders - Chris Patz, European Coalition for Corporate Justice (ECCJ), 2021 • Human rights due diligence laws: key considerations, Danish Institute for Human Rights, 2021 • Navigating the changing business and human rights legal landscape - The Global Business Initiative on Human Rights (GBI) and Clifford Chance, 2020 • Business & Human Rights: Inter-American Standards, Inter-American Commission on Human Rights, 2019 • Comments on Thun Group of Banks Discussion Paper on the Implications of UN Guiding Principles 13 & 17 In a Corporate and Investment Banking Context, John G. Ruggie, February 2017
Centre for Sport and Human Rights	The Centre has contributed to and witnessed the embedding of human rights and human rights due diligence (HRDD) by a number of sports organizations and other actors within the sports ecosystem. There are a number of CSHR guides, tools and commentary that promote human rights due diligence in the world of sport: • Sporting Chance Principles, Principle 4 • Mapping Accountability and Remedy Mechanisms for Sport • Upcoming Routledge Handbook on Mega-Sporting Events and Human Rights, specific chapter on human rights due diligence at MSEs and seeking remedy for affected persons • Sporting Chance White Paper series including White paper 1.2 Sports Governing Bodies and Human Rights Due Diligence, White Paper 2.1 Host Actors and Human Rights Due Diligence in the Sports Context, and White Paper 3.2 Broadcasters and Human Rights in the Sports Context. • Sports Sponsorship and Human Rights Due Diligence: An Olympian Dilemma (by IHRB) • Raising the bar: advancing human rights through good governance in the world of sport • New Hosts, New Risks. Lessons from the Proposed Expansion of the 2022 FIFA World Cup • 2018 Centre Address to the European Parliament on the Future of Sport and Human Rights. There are examples from the sports world referencing HRDD and/or access to remedy, such as the human rights policies of FIFA or the German Football association DFB, as well as the recommendations for an IOC human rights strategy (see p. 14 onwards). We also would like to highlight the recent publication by the World Player's Association, which introduces a new remedy mechanism to the world of sport, namely an arbitration system administered by the Permanent Court of Arbitration in The Hague. Lastly, we would like to share our reflections regarding the worldwide development of so-called safe sport entities, which is relevant for human rights due diligence, accountability, and access to remedy in the world of sport. Such entities are currently being developed on national but also international levels. FIFA, for instance, is working on establishing an international safe sport entity and national initiatives exist in Germany, Japan, or Australia. As such, the development of such entities to address cases of human rights abuse in the world of sports is in

	principle a positive development that the Centre supports. However, we have seen that these entities develop in different ways and structures, and with different levels of human rights compliance. This for instance means that some of these entities come with a grievance mechanism, and others without. Those that include a grievance mechanism do not necessarily fulfil the requirements for effective remedy, let alone affected person-centred needs., such as trauma-informed handling of cases. This has resulted in such entities facing fierce criticism from the victims and survivors they are intended to support. Furthermore, the way human rights due diligence is embedded in the processes of establishing these entities varies widely, if it is present at all. As a result, stakeholder engagement is not always happening and where it happens it often does not live up to the standard. This again stresses the need for sector-specific information on the findings and recommendations of the ARP project. Given the above, the Centre would be interested in understanding better the following: 1. How can ARP findings and recommendations be used better to ensure adequate, effective, and human rights compliant accountability mechanisms in the world of sport, including the processes leading to the establishing of such mechanisms? 2. What are states' responsibilities in ensuring that actors from the sports ecosystem adopt adequate human rights due diligence, accountability and access to remedy policies and practices? 3. How can accountability work in the private context, meaning when private parties like sports organizations have adopted due diligence standards, or when such standards are included in contracts between two private parties, for instance a sports governing body and an organizing committee? 4. As sport-related human rights harms are often the result of joint or multiple actions taken by a plurality and diversity of actors, how can access to remedy and accountability be achieved when multiple actors, including states and private actors contributed to human rights harms and perhaps different standards of human rights (due diligence) are applicable?
Defensoría del Pueblo de la República Argentina	En cuanto a materiales compartimos el Protocolo Marco para la Actuación de las Defensorías del Pueblo en Empresas y Derechos Humanos, elaborado por esta INDH en colaboración con ACNUDH en el marco del proyecto CERALC-UE. Asimismo, compartimos los informes anuales elaborados por esta INDH en los que se detallan las acciones desplegadas en el marco del Programa de Empresas y Derechos Humanos desde su creación en 2017.
Fair Wear Foundation	Not enough attention is paid to the responsibility that brands can and should assume in relation to the mitigation of human rights violations within their supply chains. This is both in relation to the mitigation activities themselves and in terms of the brands' accountability for mitigating human and labour rights violations. We see this gap in the relevant legislation and remediation frameworks, where the question 'what have you done to mitigate certain violations?' is missing. The dependence of supplier strategies on brand strategies is an important point to be taken into consideration in formulating a viable strategy for ending human rights violations. As ILO regularly reports on the link between business practices and human and labour rights violations, addressing this needs a two-step process. (https://www.ilo.org/travail/info/fs/lang--en/index.htm) First, a change in brands' business practices and, along with that, a change in the employment conditions of workers in (garment) factories. Better buying reports could play a role in addressing this. The 'White Paper' by the STTI on the Definition and Application of Commercial Compliance starts addressing this issue: https://betterbuying.org/wp-content/uploads/2021/09/STTI-White-Paper-on-the-Definition-and-Application-of-Commercial-Compliance.pdf

	What we have observed is that those companies/organisations responsible for mitigating, remediating and preventing human rights violations often do not have the skills, knowledge and financial resources necessary for effectively taking up that responsibility. Indeed, we need to see a kind of power shift through which those who hold responsibility are able to assume it in practice. This will also allow a shift away from dependencies within the industry, for example, workers being dependent on brands' good intentions to improve working conditions. The link between the mitigation of human rights violations, purchasing or business practices and HRDD is a topic that is still under explored but very important. As such, we would recommend addressing this during the consultation.
Focus on Labour Exploitation (FLEX)	• Secure reporting. Currently, not many workers can access complaints mechanism without retaliation and there is no clear information on remedy and whether fines imposed are used to pay workers • The issue of lack of access to the workplace by civil society. • The role of the investment and finance community in compensation, as well as discussions on how businesses can be held compliant beyond existing legal and HRDD provisions • Offshore companies not being found liable in parent company country due to lack of jurisdiction • Structural issues affecting access to remedy and potential interventions • Monitoring and evaluating the impact of HRDD methodologies implemented by companies. Including quantifying gains and changes over time and proper implementation of monitoring systems on the ground • The importance of worker/stakeholder engagement in the implementation and monitoring of access to remedy, as well as guaranteeing the protection of workers from retaliation. • Attention placed to participatory research with sector-specific workers/businesses/suppliers-contractors, as well as their role in the monitoring and implementation process • How financial incentives between companies and suppliers could be integrated to facilitate labour standards compliance, as well as more guidance on the role of companies in the compensation process • The issue of lack of transparency re victims receiving compensation when companies are fined or when there is criminal corporate liability
Human Rights Commission of the Maldives	Incorporating UNGPs in national strategic action plan of countries
International Organisation of Employers	When addressing the question of links between human rights due diligence, accountability, and access to remedy, stakeholders should bear in mind the following considerations: Firstly, there is a need of having more **harmonised approaches to mHRDD** in order to reduce the potential for overlapping and inconsistent regulatory requirements, to address the problem of gaps between regimes, and to facilitate business compliance. So far, the lack of harmonisation has led many companies in challenging situations due to legal uncertainty and continuous needs of readaptation to remain compliant and fit-for-purpose. These harmonised approaches must come with policy coordination, innovative public-private partnerships and

	global multistakeholder action to ensure the diffusion of human rights. This must be done in ensuring coherence and alignment in standards development as well as consideration of the needs of business. However, there is not one, single model for mHRDD regimes. When it comes to translating and implementing the ideas set out in the UNGPs into a legally binding regime, governments must consider the national and local contexts and characteristic businesses are facing. mHRDD regimes must be context-oriented and encompass the needs of the companies that are operating in them. There is **no one-size-fit-all solution.** Secondly, the ability of companies to effectively respect human rights is very much dependent on **governments' action**. States are the first and most important enablers of creating a legal and policy environment for respecting human rights. A company alone will not be able to make a lasting difference. Governments must ensure legal certainty and clear legal frameworks for companies that take into the local contexts to hinder any potential human right risks. Only in collaboration with governments, peers and stakeholders is it possible to achieve change. Although, the private sector has taken proactive corporate measures that more often than not go beyond the UNGPs' requirements, these efforts must not prevent states from playing the leading role in implementing, respecting, and enforcing human rights.
Pacto Mundial de Naciones Unidas España	Desde su constitución, Pacto Mundial de Naciones Unidas España ha apostado firmemente por trasladar a las empresas españolas la importancia de apoyar y respetar los derechos humanos dentro de sus actividades y sus cadenas de suministro. Con este objetivo, nuestra organización publica regularmente diferentes estudios sobre la implementación de acciones relativas a sostenibilidad y contribución a los ODS entre las empresas españolas, incluyendo aspectos relativos a derechos humanos y debida diligencia. En nuestra publicación "Contribución de las empresas españolas a la Estrategia de Desarrollo Sostenible 2030" (https://go.pardot.com/l/867062/2020-11-13/4gwxb4/867062/1605269511HuwhnenM/Informe_Consulta_empresarial_Estrategia_2030__Pacto_Mundial.pdf) se muestran las conclusiones de una consulta empresarial lanzada en colaboración con el gobierno español que fue respondida por más de 1.900 empresas españolas. Según esta consulta, solo el 8% de las empresas españolas consultadas evaluaban su impacto en derechos humanos, mientras que un X% disponían de un canal de reclamaciones para recoger las vulneraciones en este ámbito. Si consideramos solo los datos de grandes empresas, con más de 250 trabajadores, el porcentaje también fue bajo. Un 47% de las grandes empresas evaluaban el impacto de sus actividades en derechos humanos, y el 23% disponían de un canal de reclamaciones. También, según nuestro estudio "Comunicando el Progreso 2021" (https://go.pardot.com/l/867062/349NatG/9dgtw1), en una consulta realizada a 165 empresas españolas adheridas al Pacto Mundial, únicamente un 12% de ellas afirmaron llevar a cabo evaluaciones de impacto en derechos humanos, mientras que un 28% de ellas disponían de un canal de reclamaciones ante casos de vulneración de derechos humanos. En este informe también se evaluó el rendimiento de las empresas del IBEX35 (principal índice bursátil español) en el ámbito de los derechos humanos, destacando que el 46% de estas empresas llevaba a cabo evaluaciones de impacto en este ámbito, y un 74% disponía de un canal de reclamaciones ante casos de vulneración de derechos humanos.

	Por último, en diciembre del año pasado Pacto Mundial de Naciones Unidas España lanzó un dossier con motivo del Décimo Aniversario de los Principios Rectores sobre Empresas y Derechos Humanos (https://bit.ly/3dgIZxF). En este dossier se incluyen, por cada uno de los tres pasos del modelo de gestión de los Principios Rectores (compromiso político, debida diligencia y mecanismos de reparación) diferentes datos sobre el desempeño de las empresas, recursos para trabajar en estas temáticas y ejemplos de organizaciones miembros del grupo de trabajo de empresas y derechos humanos de Pacto Mundial de Naciones Unidas España.
Proyecto sobre Organización, Desarrollo, Educación e Investigación (PODER)	**Sobre las preguntas, desde PODER sugerimos las siguientes:** • ¿Cuáles han sido los obstáculos de iure y de facto para que los Estados adopten e implementen las recomendaciones en materia de empresas y derechos humanos? • ¿Cuál es el diagnóstico de la ACNUDH sobre los motivos por los cuáles en América Latina los Estados no se encuentran adoptando legislaciones obligatorias sobre debida diligencia en materia de derechos humanos? • ¿Cuál es la opinión de OACNUDH en relación a la nueva iniciativa de debida diligencia presentada por UE y que ya tiene críticas en relación a su alcance, por ejemplo, que solo abarcaría al 1% de empresas del bloque europeo? • ¿Qué buscará la ACNUDH promover dentro de los siguientes años para el cumplimiento de las empresas en materia de empresas y derechos humanos? • También se sugiere abordar los siguientes puntos: 1. Abordar el vínculo entre la reparación y la debida diligencia como una forma de reparación dentro de garantías de no repetición; 2. Ahondar en la perspectiva de género e interseccional, así como en los impactos diferenciados en las mujeres y personas de la diversidad sexual en todo proceso de reparación y acceso Respecto de los materiales es esencial presentar: 1. Informes de la sociedad civil y grupos y comunidades afectadas sobre casos de falta de reparación y acceso a la justicia. Esto es muy importante. 2. Denuncias de impactos negativos incluyendo la criminalización y violencia hacia las personas defensoras de ddhh y organizaciones de la sociedad civil
Robert McCorquodale	See, for example, Robert McCorquodale and Justine Nolan, "The Effectiveness of Human Rights Due Diligence for Preventing Business Human Rights Abuses" (2021) Netherlands International Law Review 1-24, https://link.springer.com/article/10.1007/s40802-021-00201-x
Switzerland (DFAE)	Les HCDH pourrait contribuer à identifier des améliorations pour l'accès à des voies de recours conformément aux Principes directeurs de l'ONU dans le cadre des initiatives multipartites dans le domaine des entreprises et des droits de l'homme, par exemple en aidant à y associer les autorités judiciaires et les associations professionnelles de magistrat·e·s, avocat·e·s et juristes.
United Nations University Centre for Policy Research, Finance	We recommend OHCHR consider the FAST Blueprint and related resources that can be found here: https://www.fastinitiative.org/the-blueprint/. We also recommend OHCHR consider the Guidance on Modern Slavery Risks for Thai Businesses produced by FAST, Walk Free, and the Stock Exchange of Thailand.

Against Slavery and Trafficking Initiative	OHCHR should also be aware of FAST's e-learning programme for South-East Asian government officials that is currently in development and tentatively scheduled to be publicly launched in Quarter 3 or Quarter 4 of 2022. The 2 programme is adapted from the FAST Blueprint and includes numerous points and recommendations that are consistent with ARP findings and recommendations.
World Players Association, UNI Global Union	We would like to bring World Players' comprehensive remedy strategy, "Ensuring Access to Effective Remedy – The Players' Strategic Pathway to Justice", of which the previously described SHR DRM is a central element, to the OHCHR's attention. The strategy outlines the blueprint of the necessary actions by all involved actors to deliver the urgently needed reform of global sports' justice system. Based on the UNGPs, the strategy rests on six essential elements 1. Put people first 2. Sports bodies must embed respect for human rights, and states must uphold their duty to protect human rights in sport 3. Create innovative pathways for restorative justice 4. Create new and legitimate sport and human rights grievance mechanisms 5. Reform existing mechanisms, including the Court of Arbitration for Sport 6. Actively seek justice for people harmed by or in the name of sport, including through continued collective action and strategic litigation. Through these six elements, the strategy internalises and reflects the interrelatedness of human rights due diligence and access to effective remedy. It highlights that sports bodies' compliance with their responsibility to respect human rights and conduct human rights due diligence under Pillar II of the UNGP framework is a precondition for access to remedy. Thereby the strategy recognises, in line with the ARP recommendations, that the trust and confidence of envisaged remedy mechanisms users and victims/survivors are elementary conditions for the practical realisation of effective remedy. In order to foster affected persons and groups' trust, sports bodies need to embed human rights, including athletes' freedom of expression and freedom of association, in the DNA of their governance structures, statutes and justice systems and establish robust human rights due diligence processes. The inclusion of the voices and perspectives of affected groups and their representatives in the design of sports grievance mechanisms will support their responsiveness to the needs and expectations of the very people for whom the mechanism is intended. Thus, World Players' strategy positions human rights due diligence as an essential foundation for access to remedy in global sport. At the heart of the reform agenda lies the recognition that notwithstanding the extensive advocacy, guidance and commitments by civil society, academics, human rights experts and intergovernmental organisations, key actors, such as the International Olympic Committee, the International Court of Arbitration for Sport and the World Doping Agency, remain acrimonious in preserving the current system. A system that has not only all too often proven ineffective but also aggravated occurred harm. This results from sport's prevailing approach to deal with human rights-related issues such as racism, abuse and discrimination through a prism of purely sporting interests and notions as the autonomy and specificity of sport.

	In that regard, we also want to turn the OHCHR's attention to the increasing emergence of so-called Safe-Sport entities on the national and international level. These entities are established in light of the worldwide revelations of systemic sexual abuse in sport and the #MeToo movement to deal with continuously surfacing cases of abuse, harassment, and discrimination. While this is generally to be welcomed, it is critical to ensure that such entities are independent and credible and can safely accommodate reporting, conduct impartial investigations and offer protection for victims, survivors and whistleblowers. However, at the current stage, these bodies evolve in a vacuum, absent specific guidance to direct such processes. As a result, the witnessed approaches differ significantly. So far, no consistency in essential areas, such as provided services, including the availability of grievance mechanisms, governance structures and accountability/monitoring, can be recognised. We have witnessed that both the development process and the entities' operations all too often lack compliance with international standards, particularly with requirements of human rights due diligence and Principle 31 of the UNGPs, and display very little understanding of what a survivor/victim-centred and trauma-informed approach is. The observed tendency to set up such entities under a "sports integrity" umbrella, which focuses on preserving the interests of sport instead of safeguarding the athletes, raises additional concerns given the different expertise and capacities required. As a result, most entities serve to the detriment of survivors/victims and are in instances re-traumatising and revictimising those courageously coming forward. This underlines the need to develop specific information and recommendations for the sport sector. From our perspective, the OHCHR can play a key role in supporting the development of coherent international guidance on the requirements and minimum standards for such entities in line with its ARP recommendations.
Zarman Syah	1. Aspects of environmental preservation and sustainability 2. Aspects of justice, welfare and peace 3. Aspects of human security related to culture and religion
Anonymous	The interlinkage between voluntary initiatives, like audits, certifications schemes or Multi-Stakeholder partnerships, and liability. Business representatives often call for some form of protection from liability, when they engage in voluntary initiatives and do more than required by law. Such a safe harbour mechanism was foreseen in a leaked version of the German Supply Chain Due Diligence Act. It didn't make it in the final version because it was linked to the regulation of civil liability, which found no political majority. However, representatives of business associations still call for this mechanism with regard to the administrative sanctions provided for in the Act. At the same time their is broad consensus among politicians, civil society organisations, academia and business that ambitious voluntary initiatives aimed at the protection of human rights and the environment in transnational business relations are a meaningful tool and retain their importance alongside binding regulations as part of a smart mix of measures. The risk of liability can impede the willingness of companies to voluntarily engage in such initiatives and be transparent about their supply chains and the potential and actual risks associated with them. This becomes obvious when we look in the decisions of UK courts that attach liability of parent companies to group wide CSR guidelines. On the other hand, it can be a strong incentive for companies to become actively engaged for the protection of human rights and the environment and take part in Multi-Stakeholder initiatives, if this leads to some form of approval of their due diligence efforts and protection from liability. Against this background, it would be worth to address during the consultation the questions how voluntary initiatives and mHRDD/liability can best reinforce each other, if a safe harbour mechanism is a useful tool in this context and if this is the case, to which criteria the relief from liability should be linked.

Anonymous	Chapter 7 of this open access publication addresses the links between HRDD, accountability, and access to remedy: Virginie Rouas Achieving Access to Justice in a Business and Human Rights Context: An Assessment of Litigation and Regulatory Responses in European Civil-Law Countries https://humanities-digital-library.org/index.php/hdl/catalog/book/achieving-access-to-justice
Anonymous	With regard to Thailand, the important materials that OHCHR should be made aware of are as follows; 1. National Action Plan on Business and Human Rights 2. Report on Evaluation of NAP implantation (semi cycle) 3. State Compensation Act 4. Conflict Management Act 5. Handbook on Human Rights Due Diligences (HRDD) e.g. HRDD handbook for businesses, HRDD handbook during COVID-19, HRDD handbook for SMEs