

Recommendations – Working Group Enabling Remediation

Through its discussions and guided by the UNGPs the Working Group Enabling Remediation has recognized that remedy is a relevant consideration in all cases in which a bank is connected to adverse human rights impact, across all forms of responsibility. In situations of linkage, banks have a responsibility to use and build their leverage to seek to influence the actions of other parties that may have caused or contributed to the negative impact, including by seeking to enable remedy through the actions of their clients. In situations of contribution, banks have a responsibility to use and build their leverage with other responsible parties, but also to contribute to that remedy themselves.

The Working Group recognized significant opportunities for banks to strengthen the focus on remedy in practice, whether in contribution or linkage situations, and therefore recommends banks to:

1. Consider the findings of the paper and to evaluate, and where relevant adjust, its policies and practices.
2. Support an ecosystem approach (sections 4.2 and 4.5), including by i) exploring the options on supporting a robust grievance mechanism infrastructure ii) targeting effective due diligence and iii) building leverage upfront.
3. Bring a greater focus to making effective remedy available for affected people, in all stages of its due diligence, by focusing on the role of a bank before an impact occurs (various options are provided in section 4.7) and on the role of a bank after an impact occurs (various options are provided in section 4.8).
4. Consider the questions that banks can ask with regard to measuring the effectiveness of the design of a Grievance Mechanism (Annex II). Each bank can decide individually how to apply these sections and questions where relevant and within its own policies and practices regarding human rights.
5. Increase the level playing field by sharing good practices where possible and relevant.
6. Consult external stakeholders with relevant expertise and knowledge to integrate the findings of this paper.