

Joint civil society statement

Advancing the global business and human rights agenda: Follow-up to the work of the Special Representative of the Secretary-General (SRSG) on human rights and transnational corporations and other business enterprises

May 2011

The mandate of the Special Representative of the Secretary-General (SRSG) on human rights and transnational corporations and other business enterprises, Prof. John Ruggie, will come to an end in June. As the Human Rights Council considers his final report, it should take the opportunity to reaffirm its goal to advance the protection of human rights in relation to business activity and assess progress to that end. Importantly, it also should establish a robust follow-on mechanism that builds on and complements the substantial work of the SRSG.

We recognize the SRSG's commitment to addressing business and human rights issues and the progress achieved during his tenure. We appreciate in particular that the "Protect, Respect, Remedy" framework put forward by the SRSG and adopted by the Council in 2008 broadly reinforces core human rights principles. The challenge remains ensuring that in practice States uphold their duty to protect, companies meet their responsibility to respect, and victims are able to exercise their right to an effective remedy. At present, major gaps in protection leave individuals and communities vulnerable to abuse, serious obstacles impede them when they seek redress, and those responsible are only rarely held to account. It is vital that the Council's work on business and human rights address this reality and respond to the needs of victims.

In his final report before the Council, the SRSG offers numerous suggestions to States and companies in the form of "Guiding Principles for the Implementation of the UN 'Protect, Respect, Remedy' Framework." The Guiding Principles do address a range of topics in a useful manner; however, some important issues that merit attention are not adequately reflected or addressed.

To further facilitate implementation of the Framework and address outstanding issues consistent with international human rights standards, additional steps are needed. For example, the SRSG himself has recognized that supplementary measures such as a multilateral legal instrument on business and human rights may be required to provide greater clarity and increase legal protections.

More generally, there is a clear need for a strong follow-on mechanism to complement the work to date. We note that the SRSG mandate lacked the standard capacity of other UN Special Procedures to receive information relating to specific instances and conduct country visits. We firmly believe that the Council should bring the business and human rights mandate in line with other thematic mandates by including the explicit remit to seek and receive information concerning alleged business-related human rights abuses. In this way, the Council can learn how the Framework and Guiding Principles are applied in practice, with a view to identifying relevant issues, informing future action and ensuring that the perspectives and experiences of victims of human rights abuse are considered.

With this in mind, we urge the Council to follow up on the SRSG's work and advance the global business and human rights agenda by establishing a Special Procedure to perform the following priority functions:

- 1. Assess the implementation by States and non-State actors of the 'Protect, Respect and Remedy' Framework, with reference to the proposed Guiding Principles and to all applicable and relevant international responsibilities and obligations, including by carrying out country visits, collecting best practices and receiving and seeking information from States, businesses, rights-holders and other relevant sources, and by issuing recommendations to relevant States, business and other non-State**

actors.

2. ***With a view to developing an international legal instrument, analyze the options for addressing weaknesses and inconsistencies in the legal protection of human rights including, but not limited to, those related to gross human rights abuses and make recommendations for action. This analysis might best take the form of a consultative and comprehensive report to be issued with a view to advancing an inter-governmental standard setting process.***
3. ***Make any other supplemental recommendations to States and businesses and elaborate additional guidance as needed, especially in a manner which responds to the experiences and difficulties faced by victims of business-related human rights abuse in relation to access to justice.***

We also support the inclusion in a new mandate of functions, such as those below, to help ensure that the work of the Special Procedure is well integrated and responsive to stakeholders:

4. ***Carry out periodic consultative reviews with stakeholders to evaluate the functionality of the Guiding Principles and to consider other relevant issues.***
5. ***Identify and where practicable facilitate advisory and capacity-building services to governments, civil society and victims of business-related human rights abuses, in collaboration with the Office of the High Commissioner for Human Rights.***
6. ***Coordinate with other international, regional and national mechanisms to ensure the highest standards of human rights protection across relevant multilateral, regional and national organs and instruments.***

Signatory organisations:

<u>Organization</u>	<u>Country</u>
1. ActionAid	International
2. Alliance Sud	Switzerland
3. Amnesty International	International
4. Article 19	International
5. ASETUC	Malaysia
6. AUR - The National Association of Human Resources Specialists	Romania
7. Australian Corporate Accountability Network (ACAN)	Australia
8. Berne Declaration	Switzerland
9. Bread for All	Switzerland
10. Cambodian Housing Rights Task Force	Cambodia
11. Canada Tibet Committee	Canada
12. Center for Constitutional Rights (CCR)	USA
13. Center for Economic and Social Rights (CESR)	International
14. Centro de Derechos Humanos y Ambiente (CEDHA)	Argentina
15. CIDSE	International
16. Ecumenical Council for Corporate Responsibility (ECCR)	UK

17. International Network for Economic, Social and Cultural Rights (ESCR-Net)	International
18. European Coalition for Corporate Justice (ECCJ)	International
19. Fédération Internationale des Droits de l'Homme (FIDH)	France
20. Friends of the Earth Europe	International
21. GoedeWaar.nl	Netherlands
22. Halifax Initiative	Canada
23. Human Rights Law Centre	Australia
24. Human Rights Watch	International
25. IKV Pax Christi	Netherlands
26. India Committee of the Netherlands	Netherlands
27. Indonesian Working Group on Human Rights (HRWG-Indonesia)	Indonesia
28. International Commission of Jurists	International
29. Justiça Global	Brazil
30. Lumière Synergie pour le Développement	Senegal
31. MISEREOR	Germany
32. Movement for the Survival of the Ogoni People (MOSOP)	Nigeria
33. MultiWatch	Switzerland
34. Network Movement for Justice and Development	Sierra Leone
35. Oxfam International	International
36. Participatory Research & Action Network (PRAN)	Bangladesh
37. Project on Organizing, Development, Education, and Research (PODER)	Mexico/USA
38. Rights & Accountability in Development (RAID)	International
39. SHERPA	France
40. Society for Threatened Peoples Switzerland	Switzerland
41. SPEAK Network	UK
42. Swiss Working Group on Colombia (Arbeitsgruppe Schweiz-Kolumbien)	Switzerland
43. SWISSAID	Switzerland
44. Tebtebba - Indigenous Peoples International Centre for Policy Research and Education	Philippines
45. Thai Committee for Refugees Foundation (TCR)	Thailand
46. Unia	Switzerland