

# Business and human rights: state of play



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# What do we have today?

- Human Rights and business agenda firmly in the UN agenda
- An evolving agenda, with new initiatives and approaches
- Creation of links with the development, climate and other agendas
- 2016: Taking stock and moving forward

# How we got here

- Back in 1997 the UN Sub-Commission on Human Rights started project of Principles and Norms for TNCs and other business
  - The Norms proved controversial, and in 2003 the Human Rights Commission declined to adopt them
  - Business community and unions were critical
- Between 1977 and 1998 an Intergovernmental working group worked on a Code(s) of Conduct
  - Eventually four separate specific codes were adopted: The ILO Tripartite declaration, the WHO code Breastmilk substitutes, the FAO code on use of pesticides, and Guidelines for consumer protection

# How we got here?

- The Protect, Respect and remedy framework, and Guiding Principles
  - Endorsed by Human Rights Council in 2011 after years of consultation
  - Creation of the UN Working Group on BHR to disseminate and promote implementation
  - Creation of UN Business and Human Rights Forum

# UNGP+5

- Measuring implementation of the UNGP
  - “signs of progress”: but lack comprehensive data on where we stand
  - More National Action Plans, but no data on challenges
  - More Companies have HR policies, but not data on implementation and effectiveness
  - Uptake in global policy frameworks and agreements: i.e. Addis Conference on finance for development
  - Regional processes: Council of Europe Declaration and Recommendation on filling gaps of implementation
  - Priority for the 2016 Presidency of the EU

# Assessing implementation: UNGP+5

- Implementation is always work in progress: any assessment is partial
- What has been achieved:
  - Continued and growing relevance of BHR in UN Agenda
  - Improved understanding of challenges and options
  - Growing involvement of stakeholders in BHR debates: Forum, Working Group and treaty process
- Remaining challenges:
  - Measuring progress: especially laws, policies and institutions
  - Mainly: accountability mechanisms and remedies and reparations for affected individuals and communities

# New initiatives and complementary processes

- Committee on the Rights of the Child-General comment 16 on States' obligations re business and rights of the child (2013)
- Process towards a legally binding instrument
  - Human Rights Council majority vote in 2014- and focus on multinational companies
  - First session in July 2015: open discussion on scope, form and content. The third session will start discussing a draft.

# State of play

- The process towards a legally binding instrument on TNCs and other businesses
- Elements to retain of the treaty process:
  - Not in “competition” with UNGPs implementation
  - Complementary: building on some UNGP elements and developing others
  - focus on legal accountability and remedies: an international regime that will reward responsible business, but sanction the wrongdoers
  - Focus on inter-state cooperation



Kiitos!