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Mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Statement on the 26th session of the Human Rights Council

3 July 2014

The Working Group on Business and Human Rights welcomes that the Human Rights Council at its recently concluded session reaffirmed its support to the Guiding Principles on Business and Human Rights as “an authoritative framework to prevent and address adverse human rights risks and impacts of business activities”. We are also pleased that the Council decided to strengthen our mandate.

We welcome the focus of discussions at the Human Rights Council on the need to step up efforts to strengthen protection against human rights abuses caused by the operations of business enterprises, and the emphasis given to the need to ensure that victims of such violations have access to an effective remedy.

We note that the Human Rights Council decided to establish an open-ended inter-governmental working group on a legally binding instrument on transnational corporations and other business enterprises with respect to human rights. In this regard, we welcome the common viewpoint expressed by States that any efforts to strengthen international standards should build upon and be complementary to the framework set out in the Guiding Principles.

The Working Group looks forward to contributing to any open deliberations on new international standards. We also note that the Council invited the Working Group to include the issue of access to remedy on the agenda of the 2014 Forum on Business and Human Rights.

The new inter-governmental process does not in any way reduce the need for all States to take steps now to implement their duty to protect human rights. Similarly, all business enterprises need to increase efforts to implement the corporate responsibilities to respect human rights. This also implies enhancing access to effective remedy for victims. Further action on the Guiding Principles is needed now.

We share the impatience expressed by many, especially by civil society, that implementation of the Guiding Principles need to scale up quicker and that legal obstacle to remedy must be tackled. As we join forces to strengthen protection of human rights, it is important to stress that the Guiding Principles are not “voluntary” in nature. Rather, they provide authoritative guidance as to the application of existing international human rights standards in this area.

The Working Group has been advocating for action plans on business and human rights as one way of strengthening national human rights protection mechanisms. In this regard we welcome the Council’s decision to encourage all States “to submit information on their national action plans and other relevant initiatives, with annual reports on the implementation of such commitments.”

We are honoured to continue the important work to protect individuals and communities against human rights abuses related to corporate activities. Scaling up the implementation of the Guiding Principles should be an urgent priority for all States and business enterprises. Multi-stakeholder and cross-regional dialogue remains as critical as ever, and will continue to be a central feature of the UN Working Group’s efforts to advance this important agenda.