**Statement by Mariette van Huijstee, panel discussion 20 june, 5th session UN Working Group on Business and Human Rights**

1. My name is Mariette van Huijstee, and I am a senior researcher and coordinator of the Corporate Accountability team at SOMO – the Centre for Research on Multinational Corporations in the Netherlands.
2. Days before the Rana Plaza tragedy, together with CCC we published a report describing the systemic hazardous conditions in the garment industry in Bangladesh as well as Pakistan. The report is titled "Fatal Fashion. Analysis of recent factory fires in Pakistan and Bangladesh: a call to protect and respect garment workers’ lives" and can be downloaded from our website, for those who are interested. The report analyzes two recent cases of major fires in garment factories in Pakistan and Bangladesh in depth, and applies the ‘Protect, Respect and Remedy’ framework and the United Nations Guiding Principles on Business and Human Rights to analyse the respective duties and responsibilities of the actors involved in these factory fires– governments, buyers, factory owners and social auditing firms – to protect and respect the rights of the factory workers.
3. The Bangladesh fire and safety accord includes many of the measures CCC and SOMO have outlined in the report. It is a great example of how companies in the supply chain and representatives of rights holders can develop a shared action plan of preventive measures to tackle a specific human rights risk in a specific sector and country.
4. Some of the aspects that make this accord a game changer compared to previous corporate led initiatives are the following: a) its worker-management governance structure b) the legal enforceability of the commitments c) and a clause on minimum pricing that is needed to guarantee safety. These elements are highly innovative and promising, and I therefore recommend the WG to consider these characteristics when providing further guidance to other sectors, countries and relevant human rights risks in taking preventive action.
5. While warmly supporting the accord, we should realize that it is focused on prevention of future tragedies, but does not provide remedy for the victims of the Rana plaza tragedy, the Tazreen factory fire and all the other accidents before. Injured workers and relatives of the deceased are still awaiting compensation for the income lost. Urgent action is needed now to assure that all these people are fairly compensated, using ILO standard 121 as a norm.
6. It is clear that the factory owners and the government of Bangladesh have the primary responsibility and duty to compensate the victims and their relatives. But other actors should also contribute, namely buyers of the factories and social auditing firms that have inaccurately provided assurance of the safety of the factories.
7. In the Guiding Principles, John Ruggie has developed three responsibility scenario’s for companies: They can either cause, contribute or be directly linked to an adverse human rights impact, and the appropriate action required depends on the scenario. In the first two scenario’s, appropriate action includes remedial measures for the victims.
8. SOMO, together with the CCC, have analyzed these and other safety incidents in the garment sector in depth and come to the conclusion that byers, and in some cases auditors contributed to these tragedies by omission.
9. Buyers because they knew, or should have known, that fire risks were huge, but failed to take the measures needed. This includes not putting in place proper monitoring procedures to ensure they can actively control their supply chains, as well as executing purchasing practices that do not allow for the proper investments needed for safe factories.
10. And Social auditors by providing undeserved and unjustifiable assurance that the factories complied with health and safety, thereby inhibiting others (i.e. buyers, factory

management, governments) to take adequate preventive action.

1. SOMO urges the UNWG to support this analysis and application of the UNGP, as this would a) provide a clear signal for the companies that haven’t agreed to pay compensation to do so, and b) to effectuate commitments made.
2. Furthermore, since the cases in our report demonstrated that social auditing has not been able to surface severe safety hazards, we urge the working group to promote a form of human rights due diligence that transcends current social auditing practices, and includes a central role for workers and unions in guarantying their own safety. We think the Bangladesh Accord includes some promising elements in this regard
3. Let me close of by stating that I am convinced that the ‘Protect, Respect and Remedy’ framework and the UN Guiding Principles offer many opportunities to realise the fundamental changes that are required in the garment sector. However, the value

of the Guiding Principles to the victims of Rana Plaza, Tazreen and other tragedies still needs to be demonstrated in practice. This Working Group can play an important role by furthering an ambitious uptake of the Guiding Principles by the companies in the garment supply chain. I therefore urge the members of the Working Group to make sure that, in fulfilling their mandate and promoting and disseminating the Guiding Principles, human rights due diligence will transcend current social auditing practices and that companies are urged to contribute to remediation whenever there is an indication that their practices or omissions have contributed to the human rights impact.