

## UN Forum on Business and Human Rights

### Human Rights Due Diligence in Law and Practice Session

#### Concept Note

#### **Session Focus:**

The aim of the session is to indicate developments in law and practice on human rights due diligence (HRDD), as well as the legal risks and opportunities in this important area. The UNGPs require business to conduct human rights due diligence. Understanding the concept of HRDD and applying it in practice still needs considerable clarification. Some States are devising due diligence regulations, with proposed legislation before the French and Swiss parliaments, and an EU regulation passed. Some industry sectors have begun to work towards due diligence standards in that sector, though there remains uncertainty as to how to implement and monitor these standards, and how applicable they are across all business enterprises. Issues that arise in this area include parent company responsibility and supply/value chain agreements for goods and services. Communities and other civil society organisations are seeking to ensure that human rights of all are protected. This session will provide a forum for explicating the opportunities, constraints, and different methods of embedding HRDD in law and practice.

#### **Key Discussion Questions**

Some of the key issues to be considered in this multi-stakeholder session on HRDD are:

- Trends and possible developments in State legal regulation, including parent company liability;
- Examples of HRDD practices by business enterprises across sectors;
- The role of financial institutions, professional advisers and NGOs in developing HRDD practices;
- Supply chain aspects, including contractual arrangements;
- Challenges and limitations on human rights due diligence.

#### **Brief Background Description**

HRDD is a key concept of the UN Guiding Principles on Business and Human Rights (UNGPs). Linking the 3 pillars, HRDD is at the heart of the UNGPs; it is a means by which business enterprises can identify, prevent, mitigate and account for the harms they cause, contribute to, or to which they are directly linked. Judicial and non-judicial bodies could assess a business enterprise's responsibility for human rights impacts in light of their HRDD approach. States have begun to incorporate human rights agenda into legal obligations for businesses and business enterprises are beginning to put it into their practice. Human rights due diligence is at the core of setting up proper human rights systems and processes and dealing with any human rights issues.

## **Speakers**

- Professor Gwynne Skinner (Willamette University, USA)
- Sandra Cossart (Sherpa)
- Richard Howitt (MEP)
- Robin Brooks (Norton Rose Fulbright)
- Sophio Tabatadze (Telia Sonera AB)
- Professor Martijn Scheltema (Pels Rijcken & Droogleever Fortuijn)
- Eryn Schornick or Shauna Leven (Global Witness)

## **Moderator**

Professor Robert McCorquodale (BIICL)

## **Session Format**

The session will consist of interactive presentations from the panellists – each of a maximum of 10 minutes - followed by a robust open dialogue with the audience facilitated by the moderator.

## **List of Organisers:**

British Institute of International and Comparative Law (BIICL)

International Cooperation for Development and Solidarity (CIDSE)

European Coalition for Corporate Justice (ECCJ)

International Federation for Human Rights (FIDH)

Frank Bold

Global Witness

International Corporate Accountability Roundtable (ICAR)

International Bar Association (IBA)

Norton Rose Fulbright

Centre for Research on Multinational Corporations (SOMO)