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Report on the 2016 UN Forum on Business and Human Rights

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Mr President, Excellencies, distinguished delegates

I am pleased to report on the 2016 annual UN Forum on Business and Human Rights, which took place here at the Palais des Nations in November last year.

The Council established the Forum as a venue for global discussions on trends and challenges in implementing the Guiding Principles on Business and Human Rights.

The Forum is guided by the Working Group on the issue of human rights and transnational corporations and other business enterprises (Working Group on Business and Human Rights), and Mr. Sergei Alexandrovich Ordzhonikidze, who served as Forum chairperson, was responsible for preparing a summary of the Forum discussions.

You will find the summary as well as a note by the Working Group on key messages and discussion highlights on the Forum website.

Excellencies

The annual Forum has become the world's biggest annual conference on business and human rights, bringing together all the relevant players to take stock of ongoing efforts, new opportunities and challenges.

The 2016 Forum attracted more than more than 2,000 participants from 140 countries, up from some 1,000 registered participants from 80 countries at the first Forum in 2012, representing all stakeholder groups. Around 14 per cent of participants were from State delegations, 24 per cent from the business sector, 30 per cent from civil society, 12 per cent from academia, 7 per cent from the UN system and other international organizations, and 3 per cent from national human rights institutions. 55 percent of registered participants were women.

Distinguished delegates

The comprehensive Forum programme covered 67 sessions over three days. It included three plenary sessions and 64 parallel sessions. The sessions were organized by the Working Group, OHCHR and external organizations, on the basis of extensive consultations and some 160 submitted session proposals.

The theme of the 2016 Forum was "Leadership and Leverage: Embedding human rights in the rules and relationships that drive the global economy". The programme reflected four key messages:

- States should "lead by example".
- Leadership and leverage should be exercised by all enterprises that make up the value chain (including parent companies, suppliers and financial institutions).
- We need better models of action and accountability to drive business respect for human rights and companies' positive contribution to the Sustainable Development Goals (SDGs).
- We need to step up efforts to improve access to remedy for victims of human rights abuses and protect those in particularly vulnerable situations.

Forum discussions highlighted a number of areas where we are seeing progress in implementation of the Guiding Principles as well as remaining gaps and challenges across regions and industries. Discussions provided a number of important observations and recommendations. I would like to briefly flag a few of these:

With regard to Government action, States are increasingly taking steps to develop national action plans to implement the Guiding Principles. This was seen as a welcome development by all stakeholder groups. At the same time, several recommendations were made regarding the content and quality of such plans. The Forum also discussed several notable policy and regulatory developments in all world regions that reflect key elements of the Guiding Principles. With regard to concrete policy areas, the role and responsibility of State-owned enterprises were given specific attention. As was the importance of making progress in integrating human rights in public procurement, including in order to achieve policy coherence in efforts towards sustainable procurement. The role of States in protecting and promoting respect for human rights in global supply chains was another key issue examined across Forum sessions.

Discussions on **business leadership and leverage** considered lessons by companies in integrating their responsibility to respect human rights in internal processes; and the role of ‘shapers’ of corporate practice, such as boards, corporate lawyers and investors in achieving wider and deeper commitments and action by companies with respect to human rights. The Forum also for the first time considered the role of accountants in advancing the corporate responsibility to respect human rights and the role and responsibilities of insurance companies. Stakeholders, including business representatives themselves, noted that many Forum sessions provided concrete practical value, such as discussions on responsible exits and the use of leverage when companies identify human rights abuses in their supply chains.

In discussions on the **relationship between the SDGs and the Guiding Principles** it was stressed that businesses must put efforts to advance respect for human rights at the heart of the ‘people part’ of sustainable development, and that the Guiding Principles articulate how businesses are expected to contribute to the social components of the SDGs. However, the Forum sought to address head-on the risk presented by some SDG narratives within the business community, where the understanding that respect for human rights needs to be the bedrock of the private sector’s contribution to sustainable development is being ignored.

Another important message was that transparency and innovative collective approaches have potential to deliver better protection and respect for human and labour rights in global supply chains. The Forum examined a number of concrete and innovative initiatives, such as:

- The KnowTheChain initiative, which helps companies and investors to understand and address forced labour risks within their supply chains
- The ACT (Action, Collaboration, Transformation) initiative on ensuring a living wage in garment supply chains, which brings together international brands and retailers, manufacturers, and trade unions
- The Principles for Human Rights in Mega-Sporting Events, which are based on the common goal of ensuring that mega-sporting events showcasing the best in humanity are built on respect for human rights throughout their lifecycle

Ladies and Gentlemen

A central premise for the Forum is that the voices of affected stakeholders and human rights defenders must be heard by States and businesses as well as everyone else engaged in the business and human rights agenda.

Another key message emerging from the discussions was that there is a pressing need for collective action to address the crackdown on **human rights defenders**. The Forum heard the personal story of Laura Cáceres, the daughter of community leader Berta Cáceres, who was murdered after coordinating a campaign against the Agua Zarca Dam hydro-electric project. The High Commissioner for Human Rights, and other speakers, underlined that the story of Berta Cáceres is not an isolated incident. While the issue is being raised by a number of actors – including by the Human Rights Council, Special Procedures and civil society across the world – Forum discussions highlighted that it is time to think critically about how to bring together the collective power of business, civil society and Governments to address the crucial need of protecting human rights defenders. More engagement is needed at all levels, even if discussions at times are difficult. In this regard, the examples heard at the Forum of corporate actors that are willing to take action when human rights are under threat in the countries where they operate, were encouraging.

Other key points emerging from discussions on the protection of human rights of persons in particularly vulnerable situations included:

- in order to effectively protect the rights of indigenous peoples affected by business activity, it is crucial to ensure recognition of land rights; the right to self-governance; free, prior and informed consent; and full and effective participation of affected communities;
- the gender perspective is missing from the business and human rights discourse generally and from national action plans in particular;
- in the contexts of national legislation that criminalizes same-sex relations, business can play a positive role in supporting civil society actors and addressing the gap between international standards for protecting and respecting dignity of LGBT persons and domestic practice.

Finally, let me highlight Forum discussions on initiatives to address the continued struggle of victims of business-related human rights abuses to **access effective remedies**, including deliberations on a new internationally-binding instrument and the outcome of OHCHR's Accountability and Remedy Project that was presented to the Human Rights Council in June last year. In that regard, stakeholders underlined the opportunities presented by the OHCHR policy recommendations for bringing about the necessary changes in law, policies and practice to make domestic legal systems more effective in responding to business-related human rights cases, including in cross-border cases. Discussions also considered ways to improve the effectiveness of various non-judicial grievance mechanisms.

Distinguished delegates

Let me conclude with a few words about this year's edition of the Forum.

The Forum's central theme is "Realizing Access to Remedy", and it will examine both shortcomings in existing efforts as well as emerging good practices and innovations, with a view to achieving greater coherence and committed action in the service of human rights and rights-holders. Discussions will include the full range of mechanisms covered by the third pillar of the Guiding Principles: from State-based judicial and non-judicial mechanisms to

non-State-based remediation and grievance mechanisms involving companies, industry bodies, multi-stakeholder initiatives and regional and international institutions.

The Forum aims to enable action-oriented dialogue aimed at identifying concrete commitments from actors in positions to advance change and overcome existing barriers to remedies. Moreover, such dialogue needs to involve victims, human rights defenders, community and workers' organizations, civil society from all regions, governments, national human rights institutions, business associations, companies, lawyers and investors. The 2017 Forum provides a unique opportunity to bring these various groups together to examine recent initiatives and explore common ground and practical solutions for ensuring more effective access to remedy.

The Forum plenary and other sessions will also address broader policy trends and consider the role of the business and human rights movement in today's political and social contexts around the world.

As in previous years, the programme will reflect inputs from stakeholders. There has been an open, transparent process for making session proposals, which closed on 26 May. Programme details will be released in due course and registration will open in late August.

Mr. President,

The Working Group and the Office of the High Commissioner for Human Rights look forward to the Forum and to continue – within the constraints of limited resources – to build on the event's success.

I thank you for your attention.