



Law Council  
OF AUSTRALIA

*From the Office of  
the President*

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Joseph J Catanzariti  
president@lawcouncil.asn.au

The Chairperson  
United Nations Working Group Business and Human Rights  
Office of the UN High Commissioner for Human Rights  
Palais des Nations  
CH -1211  
Geneva 10  
SWITZERLAND

By email: [forumbhr@ohchr.org](mailto:forumbhr@ohchr.org)

Dear Chairperson

## **SECOND FORUM ON BUSINESS AND HUMAN RIGHTS**

I write on behalf of the Law Council of Australia, which is the peak body representing Australian lawyers. The Law Council has been liaising with the Australian Government through the Department of Foreign Affairs and Trade (DFAT) in relation to the implementation of the United Nations (UN) Guiding Principles on Business and Human Rights (the Guiding Principles).

DFAT recently advised the Law Council that the UN Working Group on Business and Human Rights is seeking input for the Second Forum on Business and Human Rights (Second Forum) to be held from 3-4 December 2013 and encouraged the Law Council to provide input.

The Law Council supports consideration of the Guiding Principles and the 'Protect, Respect and Remedy' Framework. They have the potential to complement a range of other initiatives related to social corporate responsibility and offer protection for human rights by encouraging States and corporations to prevent and address the human rights impact of business. They also provide a valuable template for translating human rights norms and obligations into a set of clear, accessible principles that can be integrated into existing standards and practices and adapted to apply in range of business or industry environments.

Given the relatively recent development and endorsement of the Guiding Principles, the Law Council has not yet fully explored the opportunities and challenges that may arise from implementation in Australia. It is also just beginning to consider how to promote an increased awareness of the Guiding Principles among the legal profession, and what particular issues may arise for law firms or other legal organisations seeking to implement the Guiding Principles in their workplaces.

Some of these issues include: how the Guiding Principles impact on professional duties and the relationship between clients and lawyers, as well as issues related to employment and procurement. To this end, the Law Council notes that the Discussion Paper on *Law Firms' Implementation of the Guiding Principles on Business & Human Rights* developed in November 2011 by Advocates for International Development offers a useful starting point for consideration of these matters.

One of the Law Council's Constituent Bodies, the Law Institute of Victoria (LIV), has a particular interest in the implementation of the Guiding Principles within law firms and legal professional organisations. The LIV has drawn the legal profession's attention to important sources of guidance such as:

- *Human Rights Translated* – a reference guide published by the Monash University Castan Centre for Human Rights Law, the International Business Leaders Forum, the UN Global Compact Office and the Office of the UN High Commissioner for Human Rights<sup>1</sup>;
- The UN Global Compact Network Australia Human Rights Leadership Group for Business<sup>2</sup>;
- The online forum, Lawyers for Better Business<sup>3</sup>; and
- The proposed report by Advocates for International Development on the compatibility of the Guiding Principles with professional codes of conduct in a number of jurisdictions, including Australia.<sup>4</sup>

The LIV has also referred to the benefits of participating in industry specific training in relation to the Guiding Principles.

The Law Council considers that it would be useful for the Second Forum to examine how to promote increased awareness of the Guiding Principles among professions, such as the legal profession, and to consider how the Guiding Principles might interact with other professional duties and obligations.

The Law Council notes that the Working Group has expressed interest in receiving suggestions in regional dynamics in the implementation of the Guiding Principles and that the UN Special Rapporteur on trafficking in persons recently addressed the issue of eliminating human trafficking from the global business landscape. The Law Council has a particular interest in addressing human trafficking in the Asia Pacific region and suggests that the Second Forum could examine the implementation of the Guiding Principles in the context of human trafficking in this and other regions.

The Second Forum could also examine how professional organisations and industry bodies might work together within the Asia Pacific region to raise awareness of the Guiding Principles and share experiences and best practice examples. The Law Council has a long standing commitment to supporting legal representative bodies in the Asia-

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<sup>1</sup> [http://human-rights.unglobalcompact.org/doc/human\\_rights\\_translated.pdf](http://human-rights.unglobalcompact.org/doc/human_rights_translated.pdf)

<sup>2</sup> <http://www.unglobalcompact.org.au/leadership-groups/human-rights/>

<sup>3</sup> <http://www.l4bb.org/pages/AboutUs.php>

<sup>4</sup> <http://a4id.org/>

Pacific region, particularly in the South Pacific, and is also a member of LAWASIA, the regional body representing the legal profession. These types of regional arrangements may provide opportunities to raise awareness and promote the implementation of the Guiding Principles.

The Law Council also notes the pilot surveys of States and businesses regarding the implementation of the Guiding Principles which were conducted by the Working Group in 2012 and that a second corporate survey was planned for 2013 with the results to be published at the Second Forum. The Law Council considers that such data collection is critical for the ongoing implementation of the Guiding Principles and supports the Second Forum's consideration of this survey.

The Law Council also notes the adoption in September 2012 of the Berlin Action Plan on Business and Human Rights which encourages European Union Countries to develop National Action Plans on the implementation of the Guiding Principles in 2013. The Law Council considers that it would be beneficial for the Second Forum to discuss such Action Plans for the benefit of other States which may be considering developing them.

The Law Council considers that the Second Forum represents a valuable opportunity to progress the implementation of the Guiding Principles and looks forward to the publication of information about its outcomes.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Joseph Catanzariti', written in a cursive style.

**Joseph Catanzariti**

cc Sarah de Zoeten, Department of Foreign Affairs and Trade, Australia