



**IBON International Statement
for the United Nations 2nd Annual Forum on Business and Human Rights
2-4 December 2013, Geneva, Switzerland**

Stronger human rights accountability and remedy for corporate abuses urgently needed

As the second annual United Nations (UN) Forum on Business and Human Rights in Geneva officially opens today, 3 December, messages from stakeholder sessions highlight low awareness and uptake of the UN Guiding Principles on Business and Human Rights (UNGPs) as well as the continuing human rights violations and impunity of corporate abuses across the globe.

The Forum was established by the Human Rights Council and is under the guidance of the UN Working Group on Business and Human Rights. It provides a global platform for the promotion and implementation of the UNGPs, which were unanimously endorsed by the Council on 16 June 2011 with the aim of implementing the UN's 'Protect, Respect and Remedy' framework.

The UNGPs provide a global standard for checking and responding to adverse impacts on human rights as a result of business operations. These principles arose from research and consultations led by Prof. John Ruggie, the UN Special Representative on human rights and transnational corporations and other business enterprises.

Principles on the state's duty to protect reiterate governments' obligations to respect, protect and fulfill human rights, and its role in protecting the people from human rights violations by corporations. The UNGPs also establish the responsibility to respect human rights as the minimum standard for businesses wherever they operate, requiring them to avoid causing or contributing to negative impacts on human rights. On access to remedy, the principles focus on securing accountability and effective redress for people affected by harmful business practices.

While the UNGPs' objectives are laudable, many point out weaknesses that include the lack of binding instruments, lack of mechanisms to look into abuses, and inadequate means of redress for victims. Moreover, low awareness of the principles among governments and businesses are also cited. In Asia, for example, no state has so far legislated the implementation of the UNGPs or even crafted action plans for country-level application.

The private sector meanwhile is more comfortable with corporate social responsibility (CSR) initiatives that are essentially voluntary and often undertaken as part of risk management.

Advocates point out that CSR is not the same as complying with the UNGP as a company can launch so-called CSR projects but violate labor or indigenous rights at the same time.

Indeed, even as CSR has become part of corporate image-building and the UNGP is currently being promoted, indigenous peoples around the world highlighted intensified pressures on their lands and their displacement; the disregard of free, prior and informed consent (FPIC); as well as the complicity of governments in suppressing human rights and the occurrence of extrajudicial killings.

Inadequate redress for victims of corporate human rights violations is echoing throughout the forum. This underlines the need for greater attention to the UNGP's third pillar on remedy that hinges on the issue of accountability both of the state and business. IBON International has observed that the trend of moving away from binding to voluntary frameworks undermines the accountability of actors and effective enforcement as well as limits the tangible gains for the people.

IBON thus calls on the strengthening of the accountability aspect of the UNGP by ensuring the following elements:

1. Clear obligations: This responds to the oft-repeated pleas of ignorance of human rights standards that should now be unacceptable as a reason for misdeeds.
2. Monitoring: Even with obligations clearly outlined, if there is no effective monitoring in place, there is no way to truly determine the success or failure of implementation.
3. Adjudication mechanisms: Accessible grievance mechanisms and remedy procedures ensure that victims of human rights violations can rely on a recourse and find justice.
4. Consequences for failure to meet: Adequate penalties for omissions and violations are necessary to give any framework teeth and encourage adherence.
5. Enforcement: Given the economic and power imbalance between corporate entities and victims of human rights abuses, effecting the identified redress also needs attention from duty-bearers.

IBON recommends that the Human Rights Council and the UN Working Group on Business and Human Rights re-examine the possibility of binding instruments for human rights protection in the context of business operations. #

**IBON International engages in capacity development for human rights and democracy around the world. It strengthens links between local campaigns and advocacies to international initiatives and brings development issues from the international arena in a way that peoples' organizations and social movements can engage with at country level.*

*For inquiries, kindly contact:
Jennifer del Rosario-Malonzo
Manager, Development Finance Program
IBON International
jmalonzo@iboninternational.org*