

CONCEPT NOTE

Time to act: Governments as catalysts for business respect for human rights

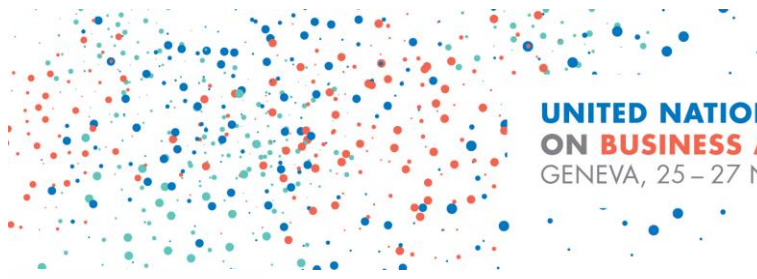
A key message from the 2018 UN Forum on Business and Human Rights was that **governments must step up their action and leadership**. Currently, they are not doing enough to meet their duty to protect against business-related human rights abuse. While important legal developments are evolving in some jurisdictions, and the number of countries developing national action plans on business and human rights continues to grow, the effectiveness of current efforts and the lack of wider action are being called into question.

The lack of government leadership, reflected in governance gaps and a lack of policy coherence at all levels – national, regional and global – remains a fundamental challenge to ensuring that the human rights and dignity of all are upheld in the context of business activities. These gaps have been a recurrent theme at all Forums since the first edition in 2012, and a key reason for the development of the [UN Guiding Principles on Business and Human Rights](#), which provide the main reference for Forum discussions.

At the Forum, civil society organizations, affected stakeholders and business alike have called on States to step up action, through strengthened regulation, improved policy coherence, and through leading by example in the various roles States have as economic actors.

The 2019 Forum will focus on the need for *all* governments to demonstrate progress, commitments and plans in implementing the State duty to protect and strengthening accountability. As the Guiding Principles clarify, ensuring access to effective remedy is also a part of the State duty to protect against business-related human rights abuse, and discussions on government action need to address the full spectrum of measures from prevention to remediation.

The Forum agenda will look at what governments need to do to foster business respect for human rights, including by getting their own house in order and by setting clear expectations and creating incentives for responsible business conduct. In doing so, the agenda will consider the Guiding Principles' call for "a **smart mix of measures** – national and international, mandatory and voluntary, incentives and sanctions – to foster business respect for human rights" and what this can mean in practice.



2019 Forum topics

Potential topics and agenda items under this theme *may* include:

- Lessons from current legislative and policy efforts to drive corporate human rights due diligence and how to create incentives that work
- Lesson from other relevant fields, such as anti-corruption and environmental protection
- What outside push and pull is needed to get States to act to address gaps in human rights protection
- Lessons from recent developments and efforts to improve access to effective remedy for business-related human rights abuse
- Lessons from business action in situations where the State is failing or absent, such as in relation to attacks on human rights defenders and in conflict contexts, and how to scale up good practice
- Practical ways of improving policy coherence across Government ministries and departments
- Overcoming legal obstacles to collective action
- Ways of improving policy coherence in multilateral fora that deal with development, trade, investment and finance
- Improving the performance of States in their roles as economic actor (in the context of SOEs, institutional investors, sovereign wealth funds, development finance, trade promotion, public procurement)
- Developments in public sector finance practice on remediation
- Strengthening regional “races to the top” on business and human rights
- Bringing the State back in to make multi-stakeholder initiatives more effective
- What does the State duty to protect against business-related human rights abuse mean in practical policy and “smart mix” of measures – for both home and host States as well as for collective action – in the context of key current issues such as:
 - the continuous tragedy of dam failures – through better prevention, accountability and remedy
 - large-scale infrastructure development projects
 - extraterritorial regulation
 - the gig economy
 - protecting the rights of migrant labour
 - artificial intelligence
 - climate change, business and human rights
 - engaging SMEs
 - regulating the informal sector
 - safeguarding the rights of groups at risk
 - rethinking business models that work for society
 - how to build sustainable peace and reconstruction in countries emerging from conflict and fragility and address corporate crimes
 - public-private partnerships to realize sustainable development goals
- Integrating gender and greater attention to the rights of women across State and business action
- From the perspective of human rights defenders and affected rights holders (including worker representatives, indigenous peoples’ representatives, affected community representatives), what changes in government and business practice need to happen?