



European Union

**UNITED NATIONS
HUMAN RIGHTS COUNCIL**

**Open-ended intergovernmental working group on transnational corporations
and other business enterprises with respect to human rights
3rd session (23-27 October 2017)**

**Debate on the implementation of the UN Guiding Principles
Remarks by the European Union**

Geneva, 23 October 2017

- CHECK AGAINST DELIVERY -

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The UN Guiding Principles on Business and Human Rights endorsed by consensus in the Human Rights Council remain the authoritative framework for preventing and addressing the risk of adverse impacts on human rights linked to business activity. It is encouraging that six years after their adoption, we already have numerous examples of how these Guiding Principles have been integrated into the policies of international and regional organisations, Governments' national action plans, policies and regulations, and how these have been being applied by many businesses around the world.

A sign of our commitment and to set a clear direction of work, the European Union adopted in June 2016 Council Conclusions on Business and Human Rights outlining clear steps towards the further implementation of the UN Guiding Principles. Council Conclusions have also been adopted on related issues such as Responsible Global Value Chains or Child Labour.

As one of the means to implement the provisions of the first pillar ("The state duty to protect human rights") and to implement existing obligations, we have taken the lead internationally on developing and adopting National Action Plans (NAPs) to implement the Guiding Principles or integrating the UN Guiding Principles into national CSR Strategies. We are pleased to see National Action Plans being developed and adopted across regions. In addition, the EU has adopted legislative instruments such as on a Directive on the disclosure of non-financial and diversity information: under EU law, beginning in 2018, companies will be required to disclose information on policies, risks and outcomes as regards environmental matters, social and employee-related aspects, respect for human rights, anti-corruption and bribery issues.

The smart mix of regulatory and voluntary measures at the level of the European Union is articulated to see further progress also under the second pillar ("The corporate responsibility to respect"). We continue to call on all business enterprises, both transnational and domestic, to comply with the UN Guiding Principles, the ILO Tripartite Declaration and the OECD Guidelines, inter alia by integrating human rights due diligence into their operations to better identify, prevent and mitigate human rights risks. It is encouraging to see the number of business enterprises leading by example on due diligence, reporting and setting up grievance mechanisms. It is encouraging to see that, increasingly, business and civil society work together for concrete progress. It is encouraging to see States, business and civil society working together. As an international organisation member of the Group of Friends of the Montreux Document Forum, the EU is for instance pleased to see the operationalisation of the International Code of Conduct Association in Geneva as an oversight mechanism for Private Security Companies.

The EU welcomes the efforts underway to allow for pragmatic and tangible progress in the implementation of the provision on "Access to remedy", the third pillar of the UN Guiding Principles. We commend the leadership of the High Commissioner for Human Rights and his office for the progress achieved in a limited time period with the Accountability and Remedy Project. Improving cooperation between States in cross-border cases is an essential component to ensure that victims or their relatives have access to remedy, and to allow for accountability.

The EU and EU Member States have a robust system in place, including regarding access to courts for human rights abuses occurring outside the EU. The Brussels I Regulation establishes rules regulating the allocation of jurisdiction in civil or commercial disputes of a cross border nature, including civil liability disputes concerning the violation of human rights. We are taking steps towards further progress. Following on the request made by the Council, the European Union Agency for Fundamental Rights (FRA) published in April 2017, an opinion on "Improving access to remedy in the area of business and human rights at the EU level". As a follow up to the Agency's opinion, the European Commission has already requested that this Agency collect information on judicial and non-judicial mechanisms in the Member States concerning access to remedy for victims of business related violations".

We would like to conclude with this key message: victims and relatives and human rights defenders at risk cannot wait for the outcome of complicated discussion on further legalization at the international level. There is urgency to take all necessary measures to implement existing obligations to prevent abuses and ensure access to remedy. We are making progress and stand ready to continue working closely with States and other stakeholders worldwide to realize this shared objective.