

3 December

11:30-13:00

Room XX

Thematic track: Embedding the Guiding Principles in global governance

The Guiding Principles and UN human rights mechanisms

Business and human rights has increasingly come on the agenda of various UN human rights mechanisms. Further incorporation of the Guiding Principles on Business and Human Rights into the work of UN monitoring mechanisms is critical for advancing the business and human rights agenda. The UN Working Group has also highlighted that incorporating the Guiding Principles into the work of treaty bodies, other special procedures and the universal periodic review (UPR), is a critical part of “building blocks for a robust human rights regime”.

This session will examine whether there has been significant progress in this area and discuss ways to strengthen such integration into the relevant work of UN human rights mechanisms. It will discuss difficulties faced and examples of good practice that have led to improved human rights protection.

Some of the key questions for the session:

- Have UN human rights mechanisms made ground in integrating the Guiding Principles?
- Are they doing enough in this area?
- What opportunities (and limitations) exist and what actions are needed?
- Are civil society actors using the full potential of the Guiding Principles when addressing business-related human rights issues through UN human rights mechanisms?

Confirmed participants

Marta Mauras, *Permanent Representative of Chile (Moderator)*

Dzidek Kedzia, *Chairperson, Committee on Economic, Social and Cultural Rights*

Victoria Tauli-Corpuz, *Special Rapporteur on the rights of indigenous peoples*

Caio Borges, *Conectas (Brazil)*

Carlos Lopez, *International Commission of Jurists*

Michael Addo, *Chairperson, Working Group on Business and Human Rights (commentator)*

Background

All parts of the UN human rights system are increasingly attentive to State obligations to regulate the activities of business enterprises, and the Guiding Principles are have become a common reference. For example, with regard to the UN human rights treaty bodies:

- The Committee on the Rights of the Child (CRC) adopted General Comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, and systematically considers the issue and refers to the Guiding Principles in its examination of State reports and concluding observations.
- The Committee on Economic, Social and Cultural Rights (CESCR) has in several comments addressed the obligations of States regarding the corporate sector, including the obligation prevent national business enterprises from violation human rights in other countries.

- The Committee on Elimination of Racial Discrimination (CERD) and the Committee on the Elimination of Discrimination Against Women (CEDAW) have also refer to the State obligation to protect against adverse impacts by business, including when companies operate abroad.

While the mandate of the committees is restricted to the legal obligations under the conventions, where committees have considered State obligations with respect to corporate conduct, their language and findings are consistent with the Guiding Principles. Some treaty bodies also systematically refer to the Guiding Principles in their work.

Several Special Procedure mandates have also incorporated the Guiding Principles into their work. The Guiding Principles have become a standard reference in communications sent to States concerning cases of alleged human rights violations. Since the Human Rights Council endorsed the Guiding Principles in 2011, special procedures mandates are increasingly also sending communications to business enterprises.

The Guiding Principles have also been used as a framework in thematic or country reports (including by the Special Rapporteur on human rights defenders; the Special Rapporteur on migration and the Special Rapporteur on Myanmar).

The Working Group on Business and Human Rights has encouraged the wide use of the Guiding Principles. In particular, it has encouraged civil society organizations to present information on business-related human rights issues to all relevant human rights mechanisms (treaty body reporting, UPR, country visits of special procedures mandates, etc.). A number of civil society organizations have started to submit such information, which has resulted in specific recommendations of human rights mechanisms on business and human rights issues.