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Opening remarks
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Good morning. On behalf of the UN Working Group on Human Rights and Business and the OHCHR Forum Secretariat, I'd like to warmly welcome you to the 4th Annual Forum on Business and Human Rights.

I think it's fair to say that this is the largest and most diverse global gathering on business and human rights in the world. We have over 2,000 participants this year, a group ranging from community representatives to company CEOs, from investors interested in supporting responsible companies to government officials interested in regulating them.

But as we open this Forum and prepare to spend the next two days discussing where we are in our field and where we should be going, we should also acknowledge the people who can't be here. Workers attempting to organize a union in the face of a company, or a country, that is determined not to let them. Farmers trying to access land after theirs has been seized by a foreign enterprise. People who don't even know the term human rights defender, much less that they are one.

I want us to keep these people in mind because the theme of this year's Forum — 'tracking progress and ensuring coherence' — was conceived to make us think at that level. We're not here just to talk about laws and processes. Those things are important, but their ultimate aim is to improve the human rights practices of companies in reality, not just on paper, and not just in conference rooms.

This year marks the 20th anniversary of the execution of Ken Saro-Wiwa, the activist who was hanged, along with eight others, after campaigning against the destructive impacts of the oil industry in the Niger Delta.

Saro-Wiwa's death was one of the formative events in our field, and since that time we've made significant progress. And yet, we can still point to many disastrous cases of community impacts from business projects around the world today. Perhaps even more troubling, we as a field still lack the information to say whether these individual disasters lead to comprehensive improvements in the conditions and incentives that gave rise to them. Victims of the Rana Plaza factory collapse, for example, did receive some compensation and improvements in working conditions. But with the data we have, we can't say with any certainty whether safety conditions in the garment sector have improved across the board.

That's what the theme of this year's Forum is about: underneath every human rights violation we hear about are millions more that are invisible to us. Because their victims are too afraid to report them, or because the local media or civil society is too constrained, or lacks the capacity to take them up. When we hear stories of migrants workers trafficked into forced labour, we often hear at the same time that it was years before the rest of the world found out about them.

We're all here at the Forum because we want to use the institutional power we have—whether that's an NGO, a business, a government or the UN itself—to prevent these violations and remedy them when they happen. We might differ in our approaches, and we might argue about what we should do first or fastest, but we're unified in believing that this task is deeply important, and that it must be a collective effort.

Since tracking progress is part of our theme for the Forum, I'll start by saying a few words about the progress we've made.

It's been four years since our field came together to devise and adopt the UN Guiding Principles on Business and Human Rights. Since then, the Guiding Principles have become the definitive standard for assigning responsibility to companies and States for addressing human rights abuses. The Guiding Principles have been integrated into international standards including the OECD Guidelines on Multinational Enterprises, the IFC Performance Standards, ISO26000 and many more. They're supported in declarations and resolutions by ASEAN, the African Union, the European Union, Council of Europe, and the Organization of American States.

Earlier this year, the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda explicitly cited the Guiding Principles, reiterating that playing a key role in development does not get companies off the hook for respecting human rights. Also this year, the Inter-Governmental Working Group carried out the first consultations on a binding

instrument on human rights and business, which has the potential to further build on the advancements made by the Guiding Principles.

We've also seen significant action by States. Over 25 governments have already developed, or are in the process of developing, National Action Plans on Business and Human Rights. The G7 recently brought increased focus on the drive for responsible supply chains. France, Switzerland and the EU have all proposed regulation that would make human rights due diligence mandatory for companies. And, earlier this year, the China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters published guidelines on supply chain due diligence.

We're seeing progress among businesses too. The Economist Intelligence Unit noted earlier this year that companies are increasingly recognizing their responsibility to respect human rights. We're seeing that play out in a growing number of company policies on human rights, and advancing methodologies on things like human rights impact assessments and community-based grievance mechanisms. Companies are also increasingly reporting on human rights, using tools like the Guiding Principles Reporting Framework and the Global Reporting Initiative.

Civil society has also taken up the call, developing initiatives such as the Corporate Human Rights Benchmark, the Ranking Digital Rights Index and the Behind the Brands Scorecard. These monitoring efforts help to ensure accountability from the outside. Meanwhile, an increasing number of responsible investment vehicles are doing so from the inside.

All of these diverse efforts draw upon the diligent, vital work performed by community advocates, the media, academics and others—including those working within companies—to identify corporate human rights impacts and work toward their prevention and remedy.

These achievements are significant. That's a lot of progress in just four years' time.

But at the same time we celebrate this progress, we should also acknowledge that it represents only the first stages of implementing the Guiding Principles. Let me turn now to the challenges that lie ahead.

First, in recent years, we've seen a global crackdown on human rights defenders, especially those who are perceived as interfering with foreign investment or who push for the idea that such investment should be regulated to promote equitable development. ESCR-Net has documented a 30% increase in threats, harassment and detention of human rights defenders working on corporate human rights impacts this year alone. The UN Working Group has communicated directly with a number of companies and States on such cases.

Second, findings from OHCHR's Accountability and Remedy Project point to increased uncertainty about when and how companies will be held liable for involvement in severe human rights abuses, particularly when companies contribute to abuses committed by other actors. Many of the places where these violations take place have the legal and institutional

frameworks to prevent them, but they're not given the resources or the freedom to implement them.

Within States, we see policy incoherence. At the same time one agency declares the government's support for human rights, another is trading those rights away to attract investment. Many of the treaties that govern these international arrangements offer little human rights protection for workers or communities, while granting extensive rights, and complete secrecy, to the companies affecting them.

Among businesses themselves, while we see an increase in efforts to carry out meaningful human rights due diligence, these efforts are still concentrated in a small number of global, reputationally conscious companies, representing just a fraction of global economic activity. Many of the fastest-growing business actors in the world—particularly State-owned enterprises and companies without international reputations to defend—have not taken up the call to respect human rights, and remain outside the scope of our existing leverage mechanisms.

And finally, every day we read headlines on issues like the pay gap between men and women, tax avoidance, political capture and corrupt business practices. Although these stories are rarely framed as human rights issues, they demonstrate that the mechanisms and incentives that resulted in Ken Saro-Wiwa's death are still in place.

All of these trends illustrate the same point, and the reason the UN Working Group on Business and Human Rights structured this Forum around the theme of tracking progress and ensuring coherence: Achievements in *commitments* and *conduct* are not enough. If we want to succeed in the task for which we came here, we must also see progress in *results*.

It's a monumental task. But looking back on the victories of the human rights movement in the last 100 years—workers' rights, universal suffrage, the widening of rights protections for minority groups—they've been slow, they've been incremental and at times they've been messy. But they worked because, no matter how many missteps they made or challenges they faced, they always moved in the same direction: towards stronger rights protections, for more vulnerable groups, in more countries. That's what we're working toward as well.

Twenty years ago, Ken Saro-Wiwa's death demonstrated the urgency of our issue. Four years ago, the Guiding Principles elaborated the structure for us to tackle it. Our task now, not just in the next two days but as we think about the next two decades, is to ensure that the growing consensus we've built remains a sustained and coordinated effort, and that we continue to move toward new structures, new incentives and new paradigms of doing business.