

Contributions to the WG on Business and HR
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To the
Working Group on Business and Human Rights

(a) To promote the effective and comprehensive dissemination and implementation of the Guiding Principles – In order to fulfill this responsibility, the Working Group can benefit from working together with the Office of the High Commissioner for Human Rights (OHCHR), with UNESCO and with national institutions of human rights, focusing especially on human rights education activities. UNESCO can also be an important partner in assisting with the identification of business forums that have developed an ongoing discussion on issues related to human rights, which can be invited to collaborate for the dissemination and implementation of these Guiding Principles. These forums will ultimately be able to influence the mindset of the companies to understand the importance of taking on the responsibility of respecting and protecting human rights.

(b) To identify, exchange and promote good practices and lessons learned on the implementation of the Guiding Principles and to assess and make recommendations thereon and, in that context, to seek and receive information from all relevant sources, including Governments, transnational corporations and other business enterprises, national human rights institutions, civil society and rights-holders – In attempting to respond to this demand, it is the tendency of contemporary organizations to focus on the creation of a website to which stakeholders can submit their good practices and lessons learned in an open and self-regulated platform that allows random as well as guided interactions between them. Although this kind of practice may stimulate exchange to some extent, it is important that it be complemented with an ongoing process of human rights education inside the companies and organizations. This essential element will conduce to the establishment of a culture of seeking these good practices, sharing knowledge and improving the human rights conditions for all associates.

(c) To provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as, upon request, to provide advice and recommendations regarding the development of domestic legislation and policies relating to business and human rights – Building the capacities of all those involved in the processes in business-related activities is also intimately associated with human rights education campaigns and programs inside the working environment. These should focus on enhancing the participants' understanding of basic human rights issues (including specific treaties and other legal frameworks related to their areas of work) and of how these impact not only the reality of the corporate sector, but each participant's private life..

(d) To conduct country visits and to respond promptly to invitations from States – It is of utmost importance that the country visits focus solely on neither unveiling situations of human rights

violations nor on celebrating good practices; they must balance between these two objectives. It should be born in mind that there is a great risk that official reports highlight only the good experiences and leave out the challenges and setbacks that have been encountered by private and public sector organizations. In order to avoid this pitfall, the Working Group must have a strong articulation with civil society organizations to facilitate access to their thematic and geographic reports. Close interaction with the OHCHR, Special Procedures mandate holders and with national institutions will allow the Working Group to establish an ongoing dialogue with the corporate sector at the country level, based on a fair and actual assessment of the human rights reality in each country.

(e) To continue to explore options and make recommendations at the national, regional and international levels for enhancing access to effective remedies available to those whose human rights are affected by corporate activities, including those in conflict areas – In terms of effective remedies, the Working Group must put its energy into assisting corporations to abide by the recommendations offered by Professor Ruggie, especially those concerning the implementation of non-judicial grievance mechanisms at the company level that “operate through dialogue and engagement rather than the company itself acting as adjudicator of its own actions”[1]. Moreover, in all evaluations of good practices related to the grievance mechanisms, the principles of legitimacy, accessibility, predictability, rights-compatibility, equitability and transparency must be observed.

(f) To integrate a gender perspective throughout the work of the mandate and to give special attention to persons living in vulnerable situations, in particular children – A growing percentage of the world's population is now living in contexts of climate change, natural disasters and/or internal conflicts that leave them in situations where it is not affordable for them to make professional or individual choices based on their preferences – they have to settle for what is available to them at a certain circumstance. This is especially the case for women and children, who in many parts of the world are who are left after all the men set off to seek for better opportunities. At the same time, going beyond the recognition that women and persons living in vulnerable situations need special attention requires a broader understanding of their roles and potentials in human society. Offering an environment and opportunities that will allow them to participate as subjects capable of contributing to the advancement of society (including in all fields of work) will enable companies to view their own potentialities through a different perspective. Also, allowing males opportunities to participate more in the dynamics of the household and in care-giving contexts will assist them in understanding their own responsibilities towards the community and, consequently, towards the work environment.

(g) To work in close cooperation and coordination with other relevant special procedures of the Human Rights Council, relevant United Nations and other international bodies, the treaty bodies and regional human rights organizations; and (h) To develop a regular dialogue and discuss possible areas of cooperation with Governments and all relevant actors, including relevant United Nations bodies, specialized agencies, funds and programs, in particular the Office of the United Nations High Commissioner for Human Rights, the Global Compact, the International Labor Organization, the World Bank and its International Finance Corporation, the

United Nations Development Program and the International Organization for Migration, as well as transnational corporations and other business enterprises, national human rights institutions, representatives of indigenous peoples, civil society organizations and other regional and sub-regional international organizations – As stated under item (a), it will only be possible for the Working Group to protect the substantial achievements realized under the mandate of the Special Representative and to advance practical progress on the ground if this work is done in collaboration and cooperation with UN agencies and bodies as well as with regional, national and international bodies that deal with issues related to human rights. As stated by the Special Representative in his final recommendations, the foundation for better managing the challenges going forward is to secure “wide multi-stakeholder support for the ‘Protect, Respect and Remedy’ Framework and the Guiding Principles for its implementation”[2].

[1] RUGGIE, 2008.

[2] RUGGIE, 2011.