

*Human Rights Council
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Report of the Special Representative to the Secretary General on the issue of
human rights and transnational corporations and other business enterprises
Interactive Dialogue 28 March 2007*

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Oral Intervention

Amnesty International, ESCR-Net, Human Rights Watch, International Commission of Jurists, International Federation for Human Rights

We appreciate the Human Rights Council's continued focus on business and human rights and the Special Representative's attention and commitment to working on this complex subject. We are grateful for the opportunity to offer our views today. We will focus our remarks on three central points.

First, the Special Representative's report rightly recognises that the expansion of global markets has not been matched with sufficient protection for the people and communities who are the victims of corporate human rights abuses. This is a serious problem that clearly touches on the Council's mandate to advance and enhance human rights protection. In our view, it is essential that the Council's discussions on business and human rights incorporate the perspective of those affected by corporate human rights abuses and are informed by an understanding of the nature and scale of such abuses, in order to ensure a comprehensive analysis of the problem and the identification of appropriate solutions.

Second, we share the Special Representative's concern that States either do not fully understand their duty to protect against corporate human rights abuses or are not always able or willing to fulfil this duty. National regulation of business conduct in relation to human rights is often inadequate and commonly victims of corporate human rights abuses have little access to meaningful justice or remedies either in their home country or in a country where the company in question is headquartered. It is clear from the report of the Special Representative that, in order to uphold their international legal obligations, states should be doing much more to regulate companies and to provide access to justice for these victims.

Third, while voluntary and multi-stakeholder initiatives have a role to play in relation to business and human rights, and sometimes take on more demanding characteristics; we are concerned that many such initiatives lack credibility because they fail to ensure that the principles which they advocate are upheld in practice. Common weaknesses in voluntary initiatives include their limited coverage in terms of companies and rights, lack of robust reporting or monitoring criteria to demonstrate compliance, absence of mechanisms to address non-compliance and failure to address the problem of laggard companies who persist in their unwillingness to respect human rights. In light of this experience, we would emphasize that an over-reliance on voluntary initiatives as a means of safeguarding the human rights of the

victims of corporate human rights abuses would be both inappropriate and inadequate.

If his mandate is extended how does the Special Representative intend to analyse the patterns of corporate abuses, and their impacts on individuals and communities, and to integrate the perspective of victims into his programme of work as a basis from which to develop recommendations to the Human Rights Council which address their concerns?