Key resources for human rights defenders working on corporate accountability

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THE UN'S FOCUS ON BUSINESS AND HUMAN RIGHTS

The UN established in June 2011 a Working Group on the issue of human rights and transnational corporations and other business enterprises. The key mandate of the Working Group is to promote the effective and comprehensive dissemination and implementation of the Guiding Principles on Business and Human Rights, using the usual range of tools available to Special Procedures of the Human Rights Council (country visits, thematic reports, individual communications).

The Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the rights to freedom of peaceful assembly and of association have both expressed concern about human rights defenders working on these issues, with the previous Special Rapporteur on human rights defenders devoting a report to the issue of human rights defenders working on major development projects and the Special Rapporteur on the rights to freedom of peaceful assembly and of association devoting his next report to the issue of freedom of association and the extractive industries.

In order to discuss the trends and challenges in the implementation of those Guiding Principles and to promote dialogue and cooperation on issues linked to business and human rights, a Forum on Business and Human Rights has been held every year since 2012 and is open to all relevant stakeholders.

In June 2014, the Human Rights Council mandated an Intergovernmental Working Group, tasked with commencing work towards the drafting of an international legally binding treaty on business and human rights.

There is also the UN Global Compact initiative, which is intended as a practical framework for the development, implementation, and disclosure of sustainability policies and practices by businesses that are committed to aligning their operations and strategies with ten universally accepted principles.

BUSINESS AND HUMAN RIGHTS AT THE AFRICAN LEVEL

The ACHPR has a Working Group on Extractive Industries, Environment and Human Rights Violations, established by Resolution 148 which was adopted at the 46th Ordinary Session held in 2009. The mandate of the Working Group is principally to examine the impact of extractive industries within the context on the African Charter and undertake research on issues pertaining to the right of all peoples to freely dispose of their wealth and natural resources, as well as gathering information on cases and on how to hold liable non-state actors. The resolutions and reports are available here.

The Working Group also collaborates with interested donors and NGOs. To find out how NGOs can engage with the Commission, obtain an observer status, participate to the NGO Forum and submit shadow reports,

click here.

BUSINESS AND HUMAN RIGHTS AT THE EUROPEAN LEVEL

The Council of Europe's Steering Committee on Human Rights (CDDH), on the Committee of Minister's request, prepared a preliminary document listing the existing standards and outstanding issues in the field of business and human rights. The CDDH was then instructed with the task of drafting a political declaration supporting the UN Guiding Principles, as well as a non-binding instrument, which may include a guide of good practice, addressing gaps in the implementation of the Guiding Principles at the European level. For this purpose, it set up a Drafting Group on Human Rights and Business, which already elaborated a Declaration of the Committee of Ministers supporting the UN Guiding Principles. For more information and documentation, click here.

BUSINESS AND HUMAN RIGHTS IN THE ASEAN REGION

In June 2014, the ASEAN Interamerican Commission on Human Rights (AICHR) finalized its first thematic study, which focuses on Corporate Social Responsibility and Human Rights in ASEAN. The study can be used as a tool of promotion and protection of human rights in the business sector, and shows the comitment of this ASEAN human rights body to take into account corporate responsability in future policy frameworks in the region.

Two NGOs have released reports on Business and Human Rights in ASEAN : the Human Rights Resource Centre (HRRC) report 'Business and Human Rights in ASEAN: A Baseline Study', and FORUM-ASIA report 'Corporate Accountability in ASEAN: A Human Rights-Based Approach'.

BUSINESS AND HUMAN RIGHTS IN THE INTER-AMERICAN SYSTEM

Although there is no Special Procedures on the issue of business and human rights at the Inter-American Commission on Human Rights (IACHR), the human rights independent body of the Organisation of American States (OAS), there is however a Rapporteurship on Human Rights Defenders and a Unit on Economic, Social and Cultural Rights.

It is noteworthy that the General Assembly of the OAS adopted in June a resolution entitled "Promotion and Protection of Human Rights in Business". The Resolution, amongst others, urged States and the IACHR to disseminate the UN Guiding Principles, and requested the Permanent Council to hold a special meeting, through the OAS Committee on Juridical and Political Affairs in first quarter 2015, to foster exchange of experiences and best practices on the topic.

The Mexican office of the High Comissioner for Human Rights has released a document in Spanish on the right of indigenous peoples to be consulted in the context of large-scale development projects. Many references to cases brought before the Inter-American Court of Human Rights can be found.

THE OECD GUIDELINES ON BUSINESS AND HUMAN RIGHTS

The OECD Guidelines for Multinational Enterprises (also available in French) are recommendations for responsible business conduct that 44 adhering governments encourage their enterprises to observe wherever they operate.

The Guidelines establish that firms should respect human rights in every country in which they operate, as well as environmental and labour standards.

NGOs can submit a "specific instance" or a "complaint" about alleged breaches of the OECD Guidelines for Multinational Enterprises (Guidelines) to a government's National Contact Point (NCP). For a guide on how NGOs should use this procedure, click here.

THE BUSINESS AND HUMAN RIGHTS RESOURCE CENTRE

Founded in 2002, the Business and Human Rights Resource Centre offers a broad range of resources related

to human rights abuses and advances of companies around the world. Amongst the 'Big Issues' covered, there is a whole section on human rights defenders.

The Business and Human Rights Resource Centre also has its own publications such as briefings on corporate legal accountability, on business and freedom of association, on information and communications technology, on business and children, on private military and security companies , as well as country and regional briefings.

CHILDREN'S RIGHTS AND BUSINESS

Developed by UNICEF, the UN Global Compact and Save the Children, the Children's Rights and Business Principles are a comprehensive set of principles to guide companies on the full range of actions they can take in the workplace, marketplace and community to respect and support children's rights.

For a guide on how companies should assess their performance in meeting their responsibility to respect children's rights, see 'Children rights in Impact Assessments: a Tool for Companies'.

GUIDES FOR NGOs, VICTIMS AND COMMUNITY-BASED HUMAN RIGHTS DEFENDERS

FIDH has elaborated a comprehensive, practical tool for victims, NGOs and other civil society groups to seek justice and obtain reparation for victims of human rights abuses involving multinational corporations. The guide explores the different types of recourse mechanisms available, and is available in English and in French.

There is also a number of guides on how to use the Right to Free, Prior and Informed Consent (FPIC) in order to assist communities affected by large-scale development projects. Some examples of such guides are the Oxfam Guide to FPIC, the UN-REDD Programme Guidelines on FPIC, and FAO's 'Respecting FPIC'.

Finally, we can note initiatives to elaborate simpler, more accessible guides for community-based human rights defenders. Examples of such initiatives, developed by Protection International, are the Protection Guide for Human Rights Defenders in Rural Areas, available in Spanish and Q'eqchi', and the Protection Manual for Community-based Human Rights Defenders in Thai.

GUIDELINES ON HUMAN RIGHTS DEFENDERS

In the absence of specific guidelines on human rights defenders working on business and human rights, there is still the possibility to refer to all the available guidelines on the protection of human rights defenders in general. Useful examples are the EU Guidelines on Human Rights Defenders, the OSCE Guidelines on the Protection of Human Rights Defenders, and the Swiss Guidelines on the Protection of Human Rights Defenders.

There is a number of NGOs that work towards the protection of human rights and the promotion of a safe and enabling environment for human rights defenders. Many of these NGOs dedicate a whole section of their work to issues related to business and human rights, corporate and social accountability or extractive industries and natural resources. Some examples are Human Rights Watch, Amnesty International, the Observatory for the Protection of Human Rights Defenders, and Frontline.