

Check against delivery



**Statement by Mr. Surya Deva,
Chairperson of the Working Group on Business and Human Rights¹
2017 UN Forum on Business and Human Rights
Closing plenary
29 November 2017**

¹ Official title: Working Group on the issue of human rights and transnational corporations and other business enterprises

High Commissioner, excellencies, distinguished delegates, ladies and gentlemen,

Over the last three days we have had an unprecedented number of people – representing governments, national human rights institutions, businesses, civil society, trade unions, human rights defenders, lawyers and academia – engaging in a constructive dialogue on how to move forward the business and human rights agenda. This is very encouraging.

The Forum provides a platform to share diverse experiences about a wide range of existing as well as emerging business and human rights issues. One key aim of the Forum is to trigger positive and long-lasting changes in how states and businesses approach the implementation of the UN Guiding Principles on Business and Human Rights.

We are encouraged that the Forum is becoming an occasion for all stakeholders to announce new initiatives and commitments, facilitating positive competition to advance business respect for human rights. It is in this context that the Working Group would like to see concrete progress on several fronts in the next two to three years. Please allow me to outline some of these issues as part of a “2020 roadmap”.

Ladies and gentlemen,

Making a commitment to implementing the Guiding Principles is an initial critical step. But mere commitments will not suffice. Concrete short- and long-term actions must be taken to realise the full potential of the “Protect, Respect and Remedy” Framework. The quality of existing National Action Plans, especially when it comes to Pillar III, is a matter of concern for the Working Group. The word “action” in National Action Plans should be taken more seriously. We strongly encourage all states to develop forward-looking National Action Plans and implement these in a robust manner.

When it comes to providing effective remedies to the victims of business-related human rights abuses, the time for talking is over. We heard during the Forum that legal developments in several jurisdictions have potential to create positive change. Increasing focus on the effectiveness of state-based non-judicial mechanisms and operational-level mechanisms is gaining ground. This

is encouraging and needs to be scaled up. It is also encouraging that there is an increasing recognition of the need for effective community engagement.

Yet, we repeatedly also heard that adversely-affected individuals and communities all over the world continue to struggle in securing justice and access to remedy when rights are abused. States must work together to take urgent steps to remove barriers in access to effective remedies, including by creating frameworks to facilitate mutual cooperation and assistance as per the concrete guidance and recommendations provided by the Office of High Commissioner and the Working Group.

There must also be a change in the mindset from a “race to the bottom” to “races to the top” in injecting human rights into the DNA of businesses and of States’ economic policy frameworks. And states should lead from the front in creating a regulatory framework which ensures that all businesses prevent, mitigate and remedy adverse human rights impacts of their global footprint.

Let us start taking human rights and the holders of these rights more seriously. States should not see human rights as an avoidable “speed breaker” to economic development. Rather, human rights should be treated as essential pre-conditions for development which is inclusive, equitable and sustainable. Both states and businesses should use the Sustainable Development Goals as a golden opportunity to realise all human rights for everyone.

Ladies and gentlemen,

As highlighted in the opening plenary and throughout the Forum, dangers related to economic inequalities and climate change should be a matter of urgent concern for states and businesses alike. Transformative changes are needed to address these challenges which have the potential to derail the peaceful co-existence of humanity with nature.

Tax evasion by business enterprises is another issue that deserve collective attention of states. It should not be forgotten that the evasion or avoidance of tax payment undermines the ability of states to have much-needed resources to realise human rights.

As rights holders are not a homogenous group, sensitivity should be shown towards the diverse experiences of all rights holders. No one should be discriminated or excluded from enjoying one’s human rights based on race,

colour, ethnicity, social origin, sex, sexual orientation, religion, language, disability or migration status.

Discrimination and sexual violence against women must be addressed by both states and businesses as a matter of priority. The Working Group will be developing guidance for both states and businesses on how to integrate a gender lens in implementing the Guiding Principles.

Individuals and communities, including indigenous peoples, have a right to protest peacefully against acquisition of their land without meaningful consultation and consent. A legitimate exercise of this human right must not result in criminalisation, intimidation or even killing of rights holders. Nor should businesses try to silence the voice of human rights defenders by filing SLAPP suits against them.

During the Forum we have heard that the situation on the ground across the world is deteriorating for defenders. Nevertheless, it is a positive sign that more businesses are taking steps to respect defenders and speak up when civic freedoms are under threat, for example, in relation to LGBT persons and in countering anti-migration narratives. The Working Group is developing guidance to unpack the role of business in respecting human rights defenders and civic space.

Business associations should continue to build capacity of their members in conducting meaningful human rights due diligence. They should also clearly communicate the expectation that any “private” corporate lobbying with Governments does not undermine their “public” commitment to the Guiding Principles.

Lawyers too have a vital role in the implementation of the Guiding Principles: their professional advice to businesses should not cause or contribute to adverse human rights impacts. Lawyers should also take a proactive role in helping affected individuals and communities in seeking access to a full range of effective remedies. During this Forum, the Working Group had initial discussion about the possibility of establishing a global network of pro bono lawyers.

Ladies and gentlemen,

Let me conclude by reiterating that the Working Group will do everything within its means to ensure that more states and businesses take their respective

human rights obligations and responsibilities under the Guiding Principles seriously.

As in previous years, we will seek input from stakeholders on the themes and topics for the next Forum. We look forward to welcoming you in Geneva again from 26 to 28 November 2018.

Thank you very much.