

Check against delivery



**Opening statement by Mr. Surya Deva,
Chairperson of the Working Group on Business and Human Rights¹
2017 UN Forum on Business and Human Rights
27 November 2017**

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

Excellencies, distinguished delegates, ladies and gentlemen,

On behalf of the UN Working Group on Business and Human Rights and the Forum Secretariat, it is my pleasure to welcome you to the sixth Annual UN Forum on Business and Human Rights.

We are pleased to see that interest in the annual Forum continues to grow, which shows a growing willingness of all stakeholders to engage in constructive dialogue about preventing and remedying business-related human rights abuses.

Many of you have travelled from afar. We applaud your courage in coming to share your personal stories and experiences despite all the challenges and hardships. Your participation in the Forum helps in grounding our discussions closer to reality.

Those of you who represent Governments and business are also demonstrating leadership through engagement. We are encouraged that more and more business enterprises and State delegations from capitals are coming to the Forum. This shows a willingness to share experiences and to learn from others on how to deal with the intersection of business with human rights.

The Guiding Principles on Business and Human Rights – and indeed the entire UN human rights system – is based on the recognition that realising human rights is a work in progress. Hardly any Government or business enterprise can credibly claim a perfect human rights record. Yet, it is vital to recognise that human rights are not optional norms. Compliance with human rights should not be dependent on political expediency, short-term development imperatives or the business case for human rights. Both States and businesses must take demonstrable actions to show continuous progress in securing all human rights for everyone.

Ladies and gentlemen,

Much remains to be done to promote and implement the three pillars of the UN Guiding Principles. However, we are seeing a steady movement in the right direction. The independent responsibility of businesses to respect human rights is now widely recognized as a universal norm. We are witnessing an internalization of this responsibility through national action plans adopted by Governments and human rights policies adopted by businesses. We are seeing this not merely in Europe but in all world regions.

Increasing coherence amongst global norms and standards is also facilitating progress. The updated ILO MNE Declaration adopted earlier this year is aligned with the UN Guiding Principles. Another encouraging development was the Declaration adopted by G20 leaders in July, committing to implement the Guiding Principles as part of efforts to achieve sustainable and inclusive supply chains.

Ladies and gentlemen,

It is also encouraging that our understanding of business and human rights is maturing. One sign is the broad support from all sides – business, governments, civil society – for the theme of this year’s Forum: realizing access to effective remedy. The growing recognition that the third pillar of the Guiding Principles needs more sustained and focused attention is a good starting point.

The sad reality is that access to effective remedy for the victims of corporate human rights abuses remains an exception rather than the rule. In our recent report presented to the UN General Assembly in October, the Working Group called for a transformative change in how we approach the issue of access to effective remedies. The report recommends that rights holders must be at the heart of the entire remedy process and all roads should lead to remedy. That is also a key premise for this Forum.

Access to an effective remedy has “both procedural and substantive aspects”. Therefore, merely providing access to effective remedial mechanisms will not suffice: there should also be effective remedies in practice at the end of the remedial process. States must establish such remedial mechanisms that can deliver effective remedies. Similarly, when a business enterprise provides remediation in cases in which it identifies that it has caused or contributed to adverse impacts, such remediation should be effective in terms of both process and outcome.

However, without well-designed and well-run remedial mechanisms, the end result can hardly be expected to be satisfactory. The Forum will therefore examine the working of a full range of such mechanisms. It is vital though that any process to remedy business-related human rights abuses should take both the rights holders and their sufferings seriously, otherwise remedies may not be regarded effective by those whose opinion should matter the most.

It is also critical to consider diverse experiences of different rights holders. Women, for example, experience business-related human rights abuses in unique ways and are often affected disproportionately. They also face multiple forms of discrimination and experience additional barriers in seeking access to effective remedies. Both States and businesses should therefore adopt a gender lens in implementing the Guiding Principles. Similar sensitivity should be shown towards different experiences of children, indigenous peoples, migrant workers, people with different sexual orientation and persons with disabilities, to name a few. Against this backdrop, I would encourage you to attend a cultural performance on Tuesday evening here in the Assembly Hall involving persons with Down syndrome.

Another key issue in making progress regarding pillar three is overcoming barriers to effective remedy. The Accountability and Remedy Project of the Office of the High Commissioner provides a key reference on how to remove barriers in access to judicial mechanisms. The OHCHR's follow-up project is exploring how to make state-based non-judicial mechanisms more effective. Forum sessions will explore how to achieve these objectives in practice.

Ladies and gentlemen,

During this Forum you will hear from some of the individuals on the front lines, standing up to business-related human rights abuses. Indigenous peoples and other communities will share their experiences and lessons learned from their work to protect their land and natural resources. We will also hear from some of the leading voices in Governments and the private sector highlighting the challenges and opportunities in dealing with human rights abuses and what best practices they have seen in supply chains.

A quick glance at the Forum's packed programme will show you the breadth and depth of the many issues that need to be addressed to ensure comprehensive progress in realizing access to effective remedy for victims.

To highlight a few key themes, Forum sessions will look at developments in Government policy and regulations, such as the French duty of vigilance law and progress in developing and implementing national action plans on business and human rights.

Sessions will also look at developments in operationalizing the corporate responsibility to respect human rights and making operational-level grievance

mechanisms work in practice. How to ensure that respect for human rights becomes bedrock for the private sector contributions to the Sustainable Development Goals will be another topic for discussion.

Defending human rights defenders working on corporate accountability issues is an issue which is closely linked with the Forum's overall theme. The freedom from fear of victimization in seeking remedies is an integral component of access to effective remedies. No additional harm should be caused in the process of redressing the initial harm. States should therefore ensure that communities adversely affected by business activities face no obstacles in approaching remedial mechanisms. Business enterprises should also play their part in cooperating with such efforts by States. This includes ensuring that their actions to defend corporate interests do not have a chilling effect on the legitimate exercise of seeking an effective remedy.

Ladies and gentlemen,

Let me conclude by saying that over these three days we have an excellent opportunity to engage with people and organizations who share the common goal of promoting business respect for human rights globally. Let us work together to achieve this goal.

Without any further ado, I would like to hand over to my Working Group colleague Anita Ramasastry, who will moderate the opening keynote panel of five inspiring women leaders from different backgrounds.

Thank you very much.