



**Opening remarks by Ms. Elżbieta Karska**  
**Chairperson of the Working Group on Business and Human Rights<sup>1</sup>**

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

High Commissioner,

Vice-President,

excellencies,

ladies and gentlemen,

It is my pleasure to welcome you in my capacity as chair of the UN Working Group on Business and Human Rights.

My colleagues in the Working Group and I have the honour of guiding and chairing this Forum.

We are delighted to see that the event continues to attract such a large and diverse group of people from around the world.

We are inspired by the stories of human rights defenders, indigenous peoples' representatives, community and worker representatives coming from all regions to share their experiences. Your voices and experiences need to be at the heart of our discussions in this field.

Together with civil society organizations from around the world you shed light on the real and urgent issues that need to be fixed.

We also commend the leaders and practitioners from governments and business who have travelled to Geneva to share the lessons you have learned and take part in the dialogue about solutions.

This year we underline that it is time for Governments to act and step up in their job as catalysts for business respect for human rights. Indeed, Government action is overdue and urgent to adequately address the challenges of today and prevent those of tomorrow.

The UN Guiding Principles on Business and Human Rights and the "Protect, Respect and Remedy" Framework provide us with an authoritative common reference point to guide our efforts.

On a positive note, we are witnessing some progressive legal and policy developments.

Anti-slavery legislation has been adopted in some jurisdictions.

The duty of vigilance law in France has set the example for similar initiatives underway elsewhere. In Europe the tide seems to be working for mandatory human rights due diligence. It may be spurred further, as the Finnish Presidency of the Council of the EU will assess the possibility of such legislation at European level.

We have also seen new national action plans on business and human rights. Thailand recently became the first country in Asia to issue a stand-alone national action plan. There is now momentum in parts of Asia, with similar processes in several countries.

We hope this regional “race-to-the-top” that we have also seen in Europe will pick up further momentum and provide inspiration for other regions.

In Latin America, two countries have developed action plans, and more are underway. In Africa, Kenya is the first country to publish a national action plan in that region.

But while these examples are positive, many more countries should follow this lead.

It is also encouraging that leading companies are affirming the Guiding Principles’ insight that “States should not assume that businesses invariably prefer, or benefit from, State inaction”.

A growing number of companies are recognizing that effective regulation levels the playing field and provides legal certainty of their responsibilities.

The 2019 CEO Guide and call for action issued by the World Business Council for Sustainable Development – signed by the CEOs of 35 large companies headquartered across 17 countries – underlines this point.

It notes that “Companies that have already begun to implement the UN Guiding Principles will be ahead of the regulatory curve”.

Companies openly supporting mandatory human rights due diligence legislation in some countries is noticeable development.

Yet, we have a very long way to go. The reality is that people in all regions continue to suffer from business-related harms, often on a large-scale and with irreversible damage.

According to the latest global estimates, 152 million children are victims of child labour, and 25 million adults and children are in forced labour, including in global supply chains. We must not forget that behind the statistics are individual lives and stories.

Discrimination remains as entrenched in the economy as in society at large, amplifying the risks of labour rights violations.

Migrants are at particular risk of exploitation.

Gender inequality is another key risk factor, putting girls and women at higher risk.

This year has seen new dam failures resulting in people being killed – and the risk to others remain, as numerous high-risk dams still exist.

Surveillance, privacy scandals and hate speech online involving tech companies are seemingly growing out of control. Such emerging challenges require new and innovative solutions and new realms of protection.

And speaking up against business-related risks and impacts remains a risky undertaking, notably for human rights and environmental defenders raising concerns about agribusiness, infrastructure development and extractive industries.

The figures that last year more than three defenders were killed every week are extremely alarming.

Targeting of defenders also includes judicial harassment, such as the increasing use of Strategic Lawsuits against Public Participation (SLAPPs) aimed at silencing the voices of defenders.

Systematic assessments of companies across sectors affirm that most companies are not doing enough.

For example, for three years the Corporate Human Rights Benchmark has ranked major companies in high-risk sectors. The results show that most companies are still not demonstrating respect for human rights.

At the same time, the most visible brands are under ever greater scrutiny by benchmarking initiatives, by consumers, investors, and civil society. They are being pushed to adopt human rights risk management and become more transparent.

However, those outside of the rankings are not feeling the heat, as shown by the very low scores of the new companies added by the Benchmark in 2019.

Similarly, some of the worst performing companies are not moving in a positive direction either.

All of this suggests that there are limits to the market-based approaches linked to rankings, reputational and investor pressure.

Without a level playing field, many companies can continue to ignore their responsibility to respect human rights.

A key message of the Working Group in our report to the General Assembly last year was Governments need to close such governance gaps and market failures.

In fact, it is an inherent part of their duty to protect people against business-related human rights impacts.

In many cases, State actors themselves are carrying out human rights violations – either in collaboration with corporate actors or with the means provided by companies. Often in the name of “national security” or “development”. Corruption is a root cause of business-related human rights abuse in many contexts.

First and foremost, Governments need to meet their existing obligations to respect, protect and fulfil human rights and fundamental freedoms.

When it comes to fostering responsible business, Governments have a range of levers that they can and should use.

As the Guiding Principles call for, they should use a “smart mix” of measures.

This means the right combination of mandatory, voluntary, national and international measures that is needed to foster business respect for human rights in a particular context.

Legislation is a core element of this mix. It is perhaps the strongest driver to incentivize companies to adopt responsible business practices – as underlined by businesses and NGOs alike.

We also have to recognize that legislation alone is not a silver bullet.

Governments should use their leverage as economic actors lead by example. This includes integrating human rights due diligence into the operations of State-owned enterprises, into trade and investment promotion, and into public procurement.

As underlined in our report to the General Assembly this year, Governments need to use policy tools and frameworks, including national action plans to enhance policy coherence overall.

Such plans must first and foremost be about future plans for action, not descriptions of existing frameworks. Once developed, action plans need to be implemented in a cohesive way.

As Governments are pursuing the Sustainable Development Agenda, and seek to engage the private sector, it is critical to ensure that partnership activities are based on respect for human rights.

State action to enhance access to remedy for victims is critical and urgent. As the Guiding Principles clarify, ensuring access to effective remedy is a core part of the State duty to protect against business-related human rights abuse.

And as set out in our report to the Human Rights Council in June, States – and businesses – need to consider the particular risks faced by women and girls when developing policies and practices to foster business respect for human rights.

We need to reinforce efforts across agendas. The Working Group seeks to contribute, for example, by examining connections between corruption and human rights, as well as implications of the Guiding Principles for States and business in conflict-affected areas.

At the Forum in 2017, the Working Group set out a roadmap for 2020 about gaps and challenges that needed to be addressed. We need to assess progress and speak openly about the challenges.

We need to develop a common vision for the way forward, through inclusive and constructive multi-stakeholder dialogue focused on practical solutions. That is our ambition for the Forum.

The Working Group has called on both business and Governments for leadership from the top.

We are therefore pleased to have with us senior Government representatives from Finland, Sweden and Thailand to kick off Forum discussions on challenges, lessons learned and ways forward.

I wish you all a productive and inspiring Forum.

Thank you.