



Protect, Respect and Remedy

Keys for implementation and follow-up of the mandate

} Protect:

States reducing risk through company disclosure requirements

} Respect:

Businesses incorporating rights of workers and communities in due diligence

} Remedy:

Reversing the burden of proof as prevention

3rd submission to the UN Special Representative on Business and Human Rights

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Its common objective is to close gaps in existing standards including through regulation and to provide solutions for communities facing negative impacts from business.

The group has focused on the mandate of the United Nations Secretary-General's Special Representative for Business and Human Rights. For further information, see the CIDSE website page on "Business and Human rights" (www.cidse.org).

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Introduction

CIDSE is an international alliance of 16 Catholic development agencies, working with partner organisations in over 100 countries around the world to alleviate poverty and support sustainable development.

Experience from our partner organisations and programmes shows the significant and growing influence that the private sector has in the developing world. It is clear that businesses can have both positive and negative impacts on the rights of individuals and communities. For this reason the CIDSE Private Sector Working Group has been following the mandate of Professor John Ruggie, UN Special Representative to the Secretary General on the issue of human rights and transnational corporations (TNCs) and other business enterprises, since 2005, making two written submissions¹ as well as participating in a number of consultations.

As this mandate draws to a close, CIDSE would like to contribute further specific recommendations on the final development and implementation of the “Protect, Respect and Remedy” framework. These practical proposals recognise the overlap between the different pillars of the framework and are designed to make sure that recommendations for action by States and companies are effective and mutually reinforcing. Finally we address the question of how the important work on business and human rights will be taken forward when this mandate ends in June 2011.

} Experience from our partner organisations and programmes shows the significant and growing influence the private sector has in the developing world



The relationship between the duty to protect and the responsibility to respect

The Report of the Special Representative to the Human Rights Council² in April 2010 is the latest in a series of increasingly detailed reports. It lays the groundwork for John Ruggie's final report in 2011 which will propose principles and guidance to put the now widely accepted "Protect, Respect and Remedy" framework into practice. The formulation of more concrete principles and guidance for States and enterprises will be the main issue of the final report.

While the work of the Special Representative is informed by pragmatic principles, CIDSE emphasises the importance of a clear definition of duties and responsibilities. The Special Representative's 2010 report explores the three pillars of the framework in greater detail, and John Ruggie has stressed that these pillars are all inter-linked, however the implications of the relationship between these pillars still remain rather vague. CIDSE suggests that the overlap between the State duty to protect and the corporate responsibility to respect in particular needs further clarification. How does the State duty to protect determine the requirements that emanate from the responsibility to respect pillar?

The Special Representative has stated in all his reports, that States have "*the primary role in preventing and addressing corporate-related human rights abuses.*"³ It is the duty of the States to protect the rights of individuals and communities from abuses caused by a third party.

Nevertheless, the Special Representative rightfully underlines the existing gaps in State policies or regulatory arrangements. "*Overall State practices exhibit substantial legal and policy incoherence and gaps,*

which often entail significant consequences for victims, companies and States themselves."⁴ In other words, States often do not adequately comply with their duty to protect.

Regarding the "Business responsibility to respect" pillar, the framework seems to propose only voluntary instruments for corporations to comply with their responsibility to respect all human rights. Indeed, the Special Representative writes that "*the term responsibility to respect is meant to indicate that respecting rights is not an obligation that current international human rights law generally imposes directly on companies*". However, according to the argumentation of the Special Representative, corporations' due diligence is indispensable to mitigate or avoid human rights violations: "*The appropriate corporate response to managing the risks of infringing the rights of others is to exercise human rights due diligence.*"⁵ And due diligence means that corporations have to take all necessary measures to become aware of, to prevent and to report on the adverse impacts of their activities. Therefore, the application of due diligence is an inevitable precondition for compliance with the responsibility to respect.

From this, it follows that States are only able to fulfil their duty to protect if they make sure that corporations in their jurisdiction act with due diligence and apply the corresponding instruments. That is, the State duty to protect goes beyond encouraging the voluntary engagement of companies and has to include a binding requirement of due diligence. The due diligence instruments are mentioned in detail in the reports of the Special Representative: "*Human rights due diligence comprises four components: a statement of policy articulating the company's commitment to respect human rights; periodic assessments of actual and potential human rights impacts of company activities*

and relationships; integrating these commitments and assessments into internal control and oversight systems; and tracking and reporting performance.”⁶

To close the identified gaps and to help the States to comply with their duty, the expected “concrete and practical recommendations”⁷ in the final report of the Special Representative should therefore spell out the duty of the home States in holding business to account. States have the duty to demand that all companies

apply due diligence and to ensure that companies implement periodic human rights impact assessments, track their human rights performance and make the results of this monitoring publicly accessible.

For example, CIDSE thinks that rather than being just one option for consideration, effective mandatory reporting requirements are essential to make corporations’ influence and interests more transparent. These measures will be set out in more detail below.





1. The State duty to protect, and company disclosure requirements

The Special Representative has mentioned five priority areas for States in order to increase the effectiveness of their duty to protect.⁸ CIDSE would like to stress the value of countries adopting legislation with extra-territorial implications. This would support priority (c) fostering corporate cultures respectful of rights at home and abroad; and also priority (e) examining the cross-cutting issue of extra-territorial jurisdiction.

Access to reliable, comparable information about a company's operations, policies, payments and human rights and environmental impacts would be of great value to individuals and communities in North and South. Even those with more privileged access to information, such as government officials and investors, would also benefit from a systematic approach which requires all companies to report on these issues. In the developing world vital institutions, for example labour inspectorates or environmental monitoring departments face very real capacity issues. These challenges are not only limited to conflict or post-conflict countries. Actions to build institutional capacity on the ground in the host country would be complemented by disclosure requirements in the country where a company is based.

To meet the State duty to protect, home countries can and should take action to influence the way in which their companies operate abroad. It cannot be argued that the reporting measures outlined below would in any way undermine the role of the host State.

Reporting requirements for enterprises operating abroad:

} Requiring companies to report fully on their social and environmental impacts including human rights impacts, and identify future risks.

In his report the Special Representative mentions the UK Companies Act 2006 which requires company directors to “*have regard for the company's impact on the community and the environment*”. However, it is important to recognise that the current provisions of the Companies Act need to be strengthened. Evaluation of reporting by 100 FTSE companies under the Act showed that there was inadequate disclosure of non-financial information and human rights risks.⁹

} Country-by-country reporting by transnational corporations.

Companies should disclose their payments to governments, including taxes, for each country where they operate. Information about legal relationships with subsidiaries and joint ventures should also be included. This disclosure would reduce the risk of corruption and conflict, especially in relation to the extractive industries, and make corporate relationships and influence clear. Such disclosure requirements can be built into national legislation or stock exchange listing requirements. In July 2010 the United States passed the Dodd-Frank Wall Street Reform and Consumer Protection Act which requires oil, gas and mining companies to disclose their payments to governments on a project level basis.

It is important that other States now adopt similar legislation to set a global legal standard of transparency. To reach companies from all jurisdictions and sectors, CIDSE believes that country-by-country reporting should also be built into international accounting standards.

} Ultimately CIDSE would also like to see payment disclosure matched by **a requirement for oil, gas and mining companies to disclose contracts** as well. The impacts of controversial large scale extractive projects on communities have been raised again and again during the course of the mandate. If government officials and company representatives were aware that contracts would subsequently be made public, this would act as a preventative measure to reduce the risk of corruption and increase the likelihood that terms will be negotiated

which represent a good deal for citizens of resource-rich developing countries. Companies frequently raise corporate confidentiality in discussions about disclosure but this is sometimes a pretext and has to be balanced against the need for vulnerable communities directly affected by a company's operations to be able to access information. The IMF has noted that in fact there are very few reasons for oil, gas and mining contracts to remain confidential for more than a few months after being signed.¹⁰

The Special Representative's final report should include clear recommendations to governments with regard to mandatory reporting requirements. As argued above, this is a pre-requisite for supporting the effectiveness of the second pillar of the framework.

2. The corporate responsibility to respect, **and due diligence**

As the Special Representative has pointed out, companies can potentially impact on all human rights. In developing the concept of due diligence further, CIDSE believes that it is essential to listen to individuals and communities' views as they are on the receiving end of company policies. Learning from established multi-stakeholder initiatives, such as for example the Ethical Trading Initiative (ETI), can also help to shape a concept of due diligence which is more likely to be effective in reducing human rights abuses by business.

Drawing on the experience of our partner organisations in Latin America, Africa and Asia, CIDSE would like to highlight four areas which need to be included in corporate due diligence.

Core labour rights in corporate supply chains

The Special Representative has indicated that supply chains are an area that requires further consideration in terms of developing guidance for the corporate responsibility to respect. Here CIDSE would like to strongly support John Ruggie's view that *"Human rights risk management differs from commercial, technical and even political risk management in that it involves rights-holders. Therefore, it is an inherently dialogical process that involves engagement and communication, not simply calculating probabilities."*¹¹



In addressing human rights abuses within global supply chains, it is particularly important to examine ways to ensure that workers themselves can organise to form independent trade unions and bargain collectively to improve their conditions. These are core labour rights, not an optional extra, but experience shows that they are frequently given a low priority in relation to other supply chain issues, ignored or even actively undermined by businesses.

It is certainly not the role of the company to 'create' a union; however, corporate due diligence should include steps to ensure that all workers have the freedom to join or form a union of their own choosing and bargain collectively if they wish to do so. In practical terms this should include an explicit commitment from a company and its suppliers that workers can exercise these fundamental human rights in the workplace and will not be penalised or discriminated against if they do. National union organisers should not be excluded from sites. Corporate due diligence will also need to include active monitoring of what is actually happening in practice in relation to these rights. Given that some company executives may have limited knowledge of unions and global supply chains now extend across national borders, there is particular value in supporting the development of Global Framework Agreements between transnational corporations and global trade union federations.

Experience has shown that if the "Protect, Respect, Remedy" framework is to deliver tangible results for workers, it is essential to look at the buyer/supplier relationships. Over the last decade recognition has been growing among TNCs, NGOs and trade unions of the extent to which purchasing practices and contractual relationships shape the ability of a supplier to safeguard their employees' rights. The Special Representative has already received evidence of how specific employment practices such as repeated use of temporary contracts can undermine workers' ability to exercise their core labour rights.¹² Here for example,

companies should publish information about the proportion of their workers, and those within their supply chain, employed on temporary contracts. Due diligence should include examining how outsourcing and the use of employment agencies will impact on workers' rights and should demonstrate how potential negative impacts have been avoided.

Free, Prior and Informed Consent for indigenous peoples

CIDSE strongly supports the concept of Free, Prior and Informed Consent (FPIC) for indigenous communities. This concept is enshrined in ILO Conventions and the UN Declaration on the Rights of Indigenous Peoples and was approved by the General Assembly in 2007. It calls on parties to obtain FPIC of indigenous peoples in the context of development projects affecting them. Many of the human rights abuses that our partner organisations have reported relate to indigenous communities and actions by transnational corporations, in particular, but not exclusively, oil, gas and mining companies. Therefore as part of the corporate responsibility to respect human rights, TNCs must be able to demonstrate through their policies and practices how they have ensured that FPIC has been secured before any projects are initiated on the lands of indigenous peoples. This will include for example as a first step, adopting a policy explicitly supporting Free, Prior and Informed Consent rather than just 'consultation.' It is important to link in with the work of the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people in developing this aspect of due diligence. In future CIDSE believes it will be necessary to explore further how the requirement of a Free, Prior and Informed Consent can be effectively and meaningfully applied to rural and urban communities that are non-indigenous.

Addressing criminalisation of social protest and human rights defenders

CIDSE is deeply worried that in a large number of cases, individuals, groups of individuals and civil society organisations defending environmental and human rights, are politically harassed and intimidated, their members and target groups are arbitrarily arrested, tortured or even killed – simply because they peacefully oppose large scale economic projects or demand that projects are carried out in a way that does not harm the environment or undermine the human rights of people directly affected.

In some instances the perpetrators are the State and/or private security forces. A direct connection to economic interests is often difficult to prove in detail, but the number of court cases against companies is increasing. State security forces crushing social protest are often acting in the interest of powerful elites and influential national and transnational companies, promoting economic development that benefits few and harms many. In the Philippines there is even a term for this sort of development, which has severe and negative impacts particularly on the local and poor population and on indigenous peoples, whose constitutional and human right to Free, Prior and Informed Consent is regularly ignored. The term used is “development aggression”.

CIDSE is raising this issue in the context of the Special Representative’s three pillar framework of the State duty to protect, the corporate responsibility to respect and access to remedy, because we are convinced that the protection of human rights defenders is not only a matter of the state duty to protect, but also one that deserves and needs an explicit paragraph under the human rights due diligence responsibility of companies.

Many companies, operating in areas where, for instance, land rights issues of indigenous peoples or local communities are in conflict with economic interests and development plans of the State or national governments, should take specific risk analyses of what impact their operation might have on those people’s rights. They should neither actively support, nor benefit from nor be silent in view of the criminalisation of social protest. In the short term, such acquiescence or even support of the violent oppression of peaceful protest might seem the easier solution for the company and serve their economic interests. However, in the long run it might turn out to be a costly exercise – not only for the victims, but also for the company itself. Such potential costs are highlighted in the April 2010 report by the Special Representative.¹³

In addition to such utilitarian arguments supporting “the business case”, CIDSE, as a network of Catholic development agencies, wants to emphasise that there are also moral arguments, no less important, for asking companies to respect human rights. The Social Teaching of the Church says that business, of course, has to make profit, but profit is not an aim in itself. Business activities have to be embedded in broader values and have to serve the common good. Human rights, including people’s physical and mental health and security, and the right of poor people and countries to development, certainly are part of such a value system.

} The protection of human rights defenders is not only a matter of the state duty to protect



Examples

Criminalisation of social protest – a systemic problem

On 9 March 2009 the environmental and human rights activist, Eliezer (Boy) Billanes was shot in clear daylight, in the market place of the town of Koronadal, South Mindanao, **Philippines**. Billanes was 46 years old, married and a father of three children. He worked for a Philippine partner organisation of a CIDSE member organisation. It can reasonably be assumed that his killing was closely connected to his and his organisation's criticism of a large scale gold and copper mining project in Tampakan, South Mindanao. The project is still in the development stage. Before he was killed, Billanes had received death threats and lived in fear of violent infringement by the military. A full and independent investigation of the killing has not yet taken place.

Another CIDSE partner organisation, KIRDTI (Keonjhar Integrated Rural Development & Training Institute), from Orissa, **India**, is facing increasing threats and harassment. KIRDTI has been working in the Keonjhar District of Orissa, Eastern India, since 1989, advocating for and empowering Adivasi indigenous communities to pursue their rights. A combination of powerful economic interests by the State and national governments, transnational companies, as well as armed Maoist opposition groups are triggering or increasing violence and conflict in Orissa over land rights of the Adivasi people. Those peacefully defending and advocating Adivasi rights are often targeted and falsely accused of belonging to a terrorist group. KIRDTI staff members were beaten up, arbitrarily arrested and forced to give false evidence. Some were threatened with torture if they did not support allegations put forward by the police. Some KIRDTI staff were tortured, others were forced to flee the area. Almost all KIRDTI staff have been harassed. Thus the organisation's important work with the underprivileged population in the region has been seriously impeded.

In **El Salvador** in July 2007 several hundred people preparing to attend a forum criticizing the privatization of water utilities in the small town of Suchitoto were accused of blocking the road and were attacked by riot police firing rubber bullets and tear gas. Thirteen people were arrested and initially charged with public disorder, but the Attorney General later changed the charges to "terrorism", citing the country's Decree 108: "The Special Law Against Acts of Terrorism" enacted in 2006.

In **Peru**, over the period from President Alan Garcia taking office in 2005 up to the beginning of 2010, the number of officially registered social conflicts rose from 8 to about 300. Most of those conflicts are environmental conflicts arising in the context of large scale mining projects and conflicts about land rights and the disregard of the rights of indigenous peoples to Free, Prior and Informed Consent. The Peruvian government has reacted by tightening laws and decrees and by criminalising social protest. Private companies are also accused of intimidating and harassing civil society organisations and their members. For instance, court cases have been filed against the private security company Forza for having tapped the telephones and monitored the lives of members of the NGO Grufides 24 hours a day for months. The surveillance action was carried out under a clandestine name: "Operación Diablo." Grufides had repeatedly criticised operations at the Yanacocha mine in the Cajamarca region.

Many more cases of the criminalisation of social protest and harassment of environmental activists and human rights defenders could be given from different countries. The examples given are not to be seen as individual cases, but as concrete examples of a structural and systemic problem that needs to be addressed at a fundamental level.

Companies must be able to show how they have assessed and taken steps to avoid this risk in terms of their own due diligence. As this is a cross-cutting issue, it also needs to be reflected in specific recommendations for the State duty to protect and for the access to remedy pillars as well. The Special Representative must ensure that recommendations on the State duty to protect human rights do not ignore the unfortunate reality of situations where the government itself is involved in arbitrary detentions and lack of due process. Operationalization of the framework needs to look at how to prevent national law being used to criminalise social protestors, for example through accusations being fabricated and individuals being charged with crimes that they did not commit. Here CIDSE believes that developing a strong mechanism with investigative powers at the international level would complement strengthening capacity of local and national justice systems in country.

Effective sanction in case of breach of the guidelines

There are already a plethora of multi-stakeholder and industry initiatives for different sectors and countries in relation to Corporate Social Responsibility (CSR). CIDSE's experience is that while some of these initiatives can generate improvements and useful learning, they have not delivered the systematic improvements needed in relation to business and human rights.

Often progress is not independently evaluated and laggard companies can drop out or choose not to sign up in the first place. The OECD Guidelines for Multinational Enterprises have been in existence for ten years now. However, there is still no real sanction for companies found to be in breach of the guidelines. The Special Representative has placed considerable weight on the concept of due diligence in operationalizing his framework, therefore it has to be clear what will happen to companies if they do not meet minimum due diligence requirements.

} Profit is not an aim in itself; business activities have to be embedded in broader values and serve the common good



3. Innovative approaches for **access to justice**

The different roles of “naming and shaming” and “knowing and showing”

Preventing human rights violations in the business context is one of the major goals of the work of the Special Representative’s work. This objective is implicit in all three pillars of the “Protect, Respect and Remedy” framework. In this context, the Special Representative also recommends that companies should move from “Naming and Shaming” to “Knowing and Showing”:

“Human rights due diligence can be a game-changer for companies: from “naming and shaming” to “knowing and showing”. Naming and shaming is a response by external stakeholders to the failure of companies to respect human rights. Knowing and showing is the internalization of that respect by companies themselves through human rights due diligence.”¹⁴

While CIDSE supports this conclusion, we think it is equally important to stress the role of NGOs and others in “naming and shaming” if a human rights violation has occurred or is likely to occur. It is important to get the balance right, recognising the enormous gap in terms of the power and resources of large (transnational or national) companies compared to the victims of human rights violations. It would be all too easy for a one-sided emphasis on “knowing and showing” to be interpreted as an invitation to PR departments of powerful companies. In the long run this could also discredit serious attempts by other companies to implement a due diligence process in an honest and transparent way.

CIDSE is convinced that the most effective means to end the impunity that all too often accompanies human rights violations in the context of business activities is to

strengthen the victims of human rights violations. To avoid any misinterpretation, CIDSE therefore recommends that the Special Representative also stresses the legitimacy, importance and positive role of “naming and shaming” when it comes to correcting wrongs. It can serve as a strong incentive to improve the respective company’s policy and practice with regard to human rights and also have a positive effect on other companies. However, while valuable, both approaches of “naming and shaming” and “knowing and showing” have only limited reach and as strategies fall short of adequately addressing the significant problem of corporate human rights violations worldwide.

Reversing the burden of proof as prevention

CIDSE recommends that the final report of the Special Representative takes note of a recommendation to **reverse the burden of proof** made by SALIGAN, a CIDSE partner organisation from the Philippines, in an oral statement at the Office of the High Commissioner for Human Rights (OHCHR) consultation in October 2009.

At the moment, law usually requires the victims of a human rights violation by a company to prove that the specific violation was caused by a specific act of the company concerned. For instance: if people in the Niger Delta suffer from respiratory or skin diseases which are caused by the pollution of rivers through oil spills or by gas-flaring, they will have to prove that their specific disease – and thus the violation of their right to health - is caused by a harmful substance that was released into the water, soil or air by a particular company. The same applies, for instance, in the case of rural communities in the Philippines, suffering severe health problems due to

the aerial pesticide spraying of adjacent banana plantations, which regularly also affects their houses and gardens. As a result, people suffer from skin diseases and other health problems; the food that they grow in their gardens and on their small fields is contaminated, as are rivers and creeks, thus affecting these people's right to health as well as to food and clean water.

For poor communities gathering evidence for a legal process is not a straightforward task. People living in such rural villages may not have access to a regular medical service. Often they are also too poor to pay for a doctor or hospital to cure their diseases, much less have the cause of the disease examined in a way to be able to prove that their disease is caused by an identified substance, which is part of the pesticide used by the respective company or caused by a particular oil spill or gas flaring. Nevertheless, the victims of such human rights violations are expected (and usually obliged by law) to do exactly this. Furthermore, under the system in place at the moment, such human rights violations become subject of the discussion and possible redress only after the harm has been done.

Through relatively simple means this could – and should – be changed. Through an administrative order – that could be issued by local or regional authorities – the burden of proof can, and in fact should be reversed. The respective authority could issue an order to ban certain business activities from the area/region because they will potentially harm the local population.

A company wanting to do business in the area or region for which the order was issued would have to present environmental and human rights impact assessments that prove that the way they will do their business will not do any harm to the local population (or flora and fauna). In cases where the company is able to prove this, they will be granted an exemption from the order. This would be in addition to the requirement to gain Free, Prior and Informed Consent from any indigenous (and/or non indigenous local) communities.

In April 2010, the Philippines Supreme Court promulgated new Rules of Procedure for all cases of violation of environmental laws. The reversal of the burden of proof is present in certain provisions. One example is the adoption of the Precautionary Principle in the appreciation of evidence (actions shall be taken to avoid human activities that lead to threats of irreversible damage). A second is obtaining a "Writ of *Kalikasan*" for environmental damages that would prejudice the life, health and property of persons in two or more cities. Standing to seek the issuance of this writ is relaxed, allowing civil society organisations to file a petition on behalf of persons whose constitutional right to a healthful ecology is violated, with exemption from docket fees.

CIDSE asks the Special Representative to consider supporting such a reversal of proof in clearly defined circumstances in his final report. This would not only help the victims of human rights violations; it could also be a powerful instrument to prevent human rights violations from occurring in the first place – and might spare companies lengthy compensation claims.

Such an approach is entirely feasible, as evidenced by the European Union's Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regulation, which entered into force in June 2007. Whereas previously chemicals could only be banned if proven to be dangerous, REACH requires industry to prove that each of its substances is safe for human health and the environment, in order to market its products in the EU.



4. Agreeing and resourcing an **effective follow-up mechanism**

We have come a long way since the beginning of the Special Representative's mandate. This momentum must not be lost. This is why we need a clear follow-up procedure.

With regard to the follow-up once his mandate comes to an end, the Special Representative mentions in his report the need of an “*advisory and capacity-building function*”,¹⁵ anchored within the UN, to guarantee the continuation of his work.

CIDSE welcomes this effort to discuss the follow-up at this early stage and supports the idea of a meaningful follow-up mechanism. However, in our opinion, a follow-up mechanism limited to a mere advisory and capacity-building function would fall short of the far-reaching findings of the Special Representative's work and does not correspond to the importance of the three pillar framework, acknowledged by the UN.

Advisory activities and capacity-building should be crucial elements of any follow-up mechanism. These should as a priority offer expertise and resources to actors including civil society and local and national governments, which would otherwise be at a disadvantage in negotiations with transnational corporations. But to make sure that States comply with their duty to protect, that companies apply human rights due diligence and that individuals and communities have meaningful access to remedies, additional elements are needed.

CIDSE therefore suggests a UN function that is, in addition to its advisory and capacity-building competences,

] provided with investigative and monitoring power. The follow-up mechanism should be in a position to analyse cases, to undertake its own investigations, to make country visits and to monitor performance of States and companies.

] able to receive complaints both against States and individual companies from victims of human rights abuses and to propose remedies. The follow-up mechanism should comprehend a grievance mechanism that investigates complaints and allows victims and/or their representatives to sue for remedies. The follow-up mechanism should have the power to decide on and agree remedies and to monitor whether the remedies have been implemented.

] provided with the power to make recommendations to States and companies, to review the fulfilment of these recommendations and to regularly report to the Human Rights Council.

] mandated to continue the discussion on implementing the framework. The follow-up mechanism should have the competence to further develop the three pillars of the framework. Some State representatives, such as South Africa, have expressed interest in working towards a global normative framework. In light of accumulated experience and evaluation of the mechanism, further recommendations and standards could be developed.

It goes almost without saying that a follow-up mechanism needs to have sufficient means to be efficient. As the Special Representative states, adequate support from the Office of the High Commissioner on Human Rights is important. In addition, it is crucial that the follow-up mechanism will be powerful and independent.

During a side-event on 1st June 2010, the Special Representative stated that he will work out a document with options concerning the follow-up procedure, to be presented to the Human Rights Council together with his final report in 2011.

CIDSE strongly supports the option of a new mandate for a Special Procedure – Special Rapporteur or Working Group – to comply with all the tasks a mechanism has to take into account to meet the requirements of an adequate follow-up.

Without a strong follow-up, we run the risk of losing what we have gained to date and making no further progress. We still have a long way to go to achieve our goal of substantially reducing instances of corporate violations of human rights.

} Without a strong follow-up, progress made in reducing corporate violations of human rights is at risk

References

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- 11 A/HRC/14/27, April 2010, p.17.
- 12 See for instance International Metalworkers’ Federation submission to the UN Special Representative of the Secretary General for business and Human Rights, May 2010.
- 13 See A/HRC/14/27, April 2010, p.15, in particular para 71.
- 14 See A/HRC/14/27, April 2010, p.16, para 80.
- 15 See A/HRC/14/27, April 2010, para 126.

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} CIDSE is an international alliance of Catholic development agencies. Its members share a common strategy in their efforts to eradicate poverty and establish global justice. CIDSE's advocacy work covers global governance; resources for development; climate justice; food, agriculture & sustainable trade; and business and human rights.