Report to the 25th Annual General Meeting of the ICC

Wednesday, 21 March 2012

Draft Speaking Points for the CHRC
in its capacity as Chair of the ICC Working Group on Business and
Human Rights

Introduction

Dr. Mousa Burayzat, Commissioner General of the National Committee of
Human Rights of Jordan,

Mr. Vladlen Stefanov, Chief of the National Institutions and Regional
Mechanisms Section for OHCHR,

Esteemed ICC Regional Chairs,

Distinguished delegates,

Ladies and gentlemen,

• I am pleased to report on recent achievements and activities of the ICC
  Working Group on Business and Human Rights – or ‘BHR’ - on behalf of
  the Canadian Human Rights Commission in our capacity as Working
  Group Chair.

• As you may recall, this is the first thematic Working Group of the ICC,
  established in 2009.
• The Working Group currently benefits from the membership of the Commissions of Ghana and Kenya, Scotland and Germany, Indonesia and the Philippines (as Vice Chair), Venezuela, and ourselves as Chair. The ICC Chair is also represented on the Working Group, as is the Danish Institute, as former Working Group Chair.

• We wish to extend our sincere gratitude for, and recognition of, the contributions by previous Working Group members from the Commissions of Nicaragua, Togo, Korea, Qatar, and Jordan. These members were instrumental in setting the stage for our work and successes today.

**Laying the groundwork in a time of rapid change**

• From 2009-2011, under the leadership of our predecessor, the Danish Institute for Human Rights, the ICC Working Group on BHR made significant advances in laying the groundwork for concrete activities with real impact.

• Over the same period, a growing number of profound changes have taken place in the evolution of international norms and standards around Business and Human Rights - as with related discourse at domestic, regional and international levels.

**Promoting human rights with international and regional mechanisms**

• As you will recall, NHRIs actively contributed to the development of the UN Protect, Respect, Remedy Framework and Guiding Principles. This was the first normative framework on BHR; the result from six years of extensive efforts lead by former Special Representative John Ruggie on behalf of the UN Secretary General, and adopted by the United Nations Human Rights Council last year. The Working Group will be actively supporting the implementation of the framework – across all three pillars.
• We are currently engaged with the *UN Working Group on the issue of human rights and transnational corporations and other business enterprises*, which has succeeded Ruggie’s mandate, and which will be holding their first annual forum this December 2012.

• We have already made a written submission to this UN Working Group this past December and a verbal statement at the Working Group’s first informal exchange with stakeholders held on 20 January 2012.

• We contributed to what became a new human rights chapter in the OECD Guidelines for Multinational Enterprises last year, and are presently exploring an ICC-OECD Memorandum of Understanding.

• We also made a submission in December 2011 to the OECD Council on the Draft Revised Recommendation on Common Approaches on Officially Supported Export Credits and Environmental and Social Sustainability – significant insofar as export credit agencies are reported to account for about 10 percent of world trade.

• NHRIs are now referenced throughout the *Childrens’ Rights and Business Principles*, just officially launched on 12 March 2012.

• Working Group efforts have been meaningful and remain opportune. On 23 February 2012 for instance, the Secretary General of the United Nations sent out a request for input to a report he will be presenting to the Human Rights Council at its 21st session, on “how the United Nations system as a whole...can contribute to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles”, pursuant to Paragraph 11 of Human Rights Council Resolution 17/4.

• The Working Group will be discussing a draft submission at its meeting this Friday and encourages all NHRIs to make submissions on this and other upcoming occasions.
• The ICC Working Group, along with individual NHRIs, has been actively engaging with the UN Global Compact, OECD, OHCHR, and other communities of practice in order to continue to build awareness of the role of NHRIs in the realm of BHR and to refine products for consideration by the ICC.

• We invite members to review these and other documents available on the Business and Human Rights page of the OHCHR-sponsored ICC website.

Following through on the Edinburgh Declaration

• As the Regional Chairs will discuss in greater detail, the Working Group has supported and/or participated in three regional workshops on business and human rights, including:

  o by the Network of African NHRIs in Yaoundé, Cameroon, October 2011;

  o by the Asia-Pacific Forum of NHRIs in Seoul, Republic of Korea, October 2011; and

  o by the Network of National Institutions for the Promotion and Protection of Human Rights of the American Continent in Antigua, Guatemala, November 2011.

• The European regional workshop on BHR is being planned for 22-24 May, 2012 in Berlin, within the next few months.

• The workshops have confirmed a strong desire and momentum across the regions to engage in concrete actions to implement the Edinburgh Declaration commensurate with their mandates, including for instance to:

  o establish NHRI focal points on BHR, with a view to developing a network for information exchanges and bilateral and multilateral cooperation,
- Consider integrating business and human rights in strategic planning and reporting— for instance in NHRI corporate documents, regional reports to the ICC general meetings, or the Universal Periodic Review process,

- Actively participate in monitoring implementation of the UN Framework and Guiding Principles,

- Actively engage with stakeholders to promote stronger domestic legal frameworks, greater state adhesion to relevant HR instruments where opportunities exist, and adhesion to regional and universal mechanisms and standards, and

- Develop programs and mechanisms for education and training including sharing among NHRI and collaboration with the ICC Working Group on Business and Human Rights.

**Strengthening the Capacity of NHRI in BHR**

- The regional workshops have been reaffirming some of the results first identified in the detailed baseline survey conducted by the Scottish Human Rights Commission and DIHR a couple of years ago, to which 29 NHRI responded to:

  - That issues of discrimination, workers rights, child labour, and issues relating to the environment, food and water remain are of widespread concern across regions,

  - That the extractive/energy, retail/consumer, and pharmaceutical/chemical and financial industries are of particular concern,

  - That while NHRI have varying mandates, competencies, and areas of intervention in relation to BHR, NHRI are strongly interested in being more active on issues identified and in building capacity in BHR, and
that NHRIs have a strong desire to collaborate with the ICC Working Group on Business and Human Rights – for instance on assisting the WG in developing a training supplement on BHR adapted to regional realities. As a matter of fact, the ICC WG on BHR will collaborate with OHCHR to develop some joint training at the regional level.

- The significance of NHRI capacity building is not to be understated. John Ruggie again recently affirmed his view that the priority of NHRIs at this juncture should be to push hard to have NHRI mandates expanded to cover business. Just as importantly, he reinforced the need for NHRIs to have the required capacity to effectively carry out this function – a need that was also recognized by UN Human Rights Council in the June 2011 Resolution.

Looking Ahead

- As you can see, it's a time of robust activity and we are enthusiastic to move the yardsticks forward. The Working Group will be meeting this Friday to advance priorities including:

  - capacity building, through NHRI training on BHR, the development of BHR fact sheets, an ICC strategy for integrating Business and Human Rights into the second cycle of the Universal Periodic Review, a provision on the ICC website for the sharing of good practices by NHRIs in BHR, and the enhancement of collaboration with the regional networks; and

  - stakeholder engagement, including through the creation of MOUs and Information Notes (for instance with the OECD and UNGC), side events, and submissions – most immediately being one by the Working Group to the UN Secretary General on BHR in the UN System.
• We look forward to informing ICC members of the outcomes of this meeting through the ICC website, and to continuing to enhance our engagement with you.
• Our goal is to continually ensuring that our efforts are aligned with evolving ICC and regional expectations and needs. To this end, all Working Group members welcome your inputs and observations at any time.

• Thank you for your attention.