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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Summary

In the present report, the Working Group on the issue of human rights and transnational corporations and other business enterprises outlines new developments in the field of business and human rights, including the deeper alignment between global governance frameworks and the Guiding Principles on Business and Human Rights, the call by the Human Rights Council for the United Nations system as a whole to integrate the business and human rights agenda into its work, and the need for the post-2015 framework to integrate the Guiding Principles. The Working Group notes the growing interest and demand for support and guidance in the implementation of the Guiding Principles, as well as the continuing existence of specific situations of grave concern with regard to the adverse impact on human rights of business activities. It describes the key results from surveys of States and business enterprises, including on the challenges faced in implementation. The Working Group also outlines the key trends and challenges identified during the 2012 Forum on Business and Human Rights. On this basis, the Working Group outlines priorities for action and recommendations for States, business enterprises, the United Nations system, intergovernmental organizations including regional organizations, and other stakeholders.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 17/4, in which the Council established the mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises.

2. The Working Group notes the growing interest of all stakeholder groups, in all regions and industries, in the issue of business and human rights and in the Guiding Principles. Some 1,000 participants from more than 80 countries registered for the first Forum on Business and Human Rights,¹ far exceeding expectations. A significant number of businesses and States also responded to the pilot surveys of the Working Group and indicated a high level of awareness of the Guiding Principles and interest in engaging further thereon.

3. Another indicator of the increasing global demand for support, guidance and clarification in the area of business and human rights is the large number of requests that the Working Group responds to as a way to fulfil its mandate to disseminate and encourage the comprehensive implementation of the Guiding Principles globally. In 2012, the Working Group responded to approximately 30 requests per month to provide expert commentary and support for initiatives to set into motion or garner relevant political consensus around new or improved efforts on business and human rights aligned with the Guiding Principles. Such requests come from all stakeholders, including civil society, business and industry bodies at the national and international levels, intergovernmental organizations and multi-stakeholder initiatives, as well as State agencies.

4. In the present report, the Working Group identifies the key trends and challenges as well as priorities in the dissemination and implementation of the Guiding Principles on Business and Human Rights, based on the Forum discussions, the pilot surveys and the information received from stakeholders. On this basis, the Working Group makes specific recommendations to advance the implementation of the Guiding Principles, and describes specific initiatives it has undertaken in accordance with the strategy it adopted and presented in its first report to the Human Rights Council.²

II. Global developments

A. Deepening alignment between global governance frameworks and the Guiding Principles

5. The Working Group has already drawn attention to key global governance frameworks that started embedding the Guiding Principles soon after their adoption in June 2011.³ Many of these are now further deepening and refining the alignment of their respective frameworks with the Guiding Principles. This includes the recommendation adopted by the Council of the Organization for Economic Cooperation and Development (OECD) that export credit agencies should carry out human rights due diligence,⁴ as well as the Organization's mapping of how the Guiding Principles may be embedded into financial

¹ See www.ohchr.org/EN/Issues/Business/Pages/ForumonBusinessandHR2012.aspx.

² A/HRC/20/29.

³ Ibid. See also A/67/285.

⁴ See [www.oecd.org/officialdocuments/displaydocumentpdf/?cote=tad/ecg\(2012\)5&doclanguage=en](http://www.oecd.org/officialdocuments/displaydocumentpdf/?cote=tad/ecg(2012)5&doclanguage=en).

institutions.⁵ The Working Group welcomes the review by the Compliance Advisor Ombudsman of the International Finance Corporation of its operational guidelines⁶ and the embedding of essential elements of the effectiveness criteria for non-judicial grievance mechanisms included in the Guiding Principles.⁷ The United Nations Conference on Trade and Development has been engaging with States to support and encourage the implementation of the new Investment Policy Framework for Sustainable Development that uses the Guiding Principles as a key reference.⁸ Following the call from the European Union, more than two thirds of the member States of the European Union have or are developing national plans of action on the implementation of the Guiding Principles.⁹ The World Bank is currently in the process of updating its safeguard policies, with an opportunity for integrating the Guiding Principles and human rights due diligence into the safeguards.¹⁰

6. The Working Group welcomes the positive contribution that key standard-setting international organizations are making to the implementation of the Guiding Principles, and encourages further alignment and convergence.

B. Integration of the business and human rights agenda into the work of the United Nations system

7. In September 2012, the Human Rights Council adopted its resolution 21/5, in which it encouraged all relevant entities of the United Nations system to integrate the business and human rights agenda into their activities, with a specific role for OHCHR in this effort. Resolution 21/5 filled a long-standing need to clarify the role of the United Nations and to designate a focal point on the issue within the United Nations. In the resolution, the Council encouraged all stakeholders to integrate the Guiding Principles throughout the work of the United Nations human rights system, including the universal periodic Review, the mandates of the special procedures and the treaty bodies.

8. In its resolution 21/5, the Human Rights Council clearly indicated that the Guiding Principles and the business and human rights agenda concerned the entire United Nations system, not only the human rights pillar. The Council set out a specific role for the United Nations to build capacity and support efforts, including by calling on United Nations resident coordinators and country teams to integrate the Guiding Principles into planning, advocacy and capacity-building and development efforts at the national level in cooperation with national authorities. Recognizing that the need for greater capacity by all stakeholders required levels of resources not currently available within the United Nations system, the Council also called on the United Nations to explore the establishment of a global fund to

⁵ See www.oecd.org/daf/investment/guidelines.

⁶ See www.cao-ombudsman.org/howwework/2012OperationalGuidelinesUpdate.htm.

⁷ The Working Group provided comments on the draft of the new operational guidelines that was submitted for public consultation, including a suggestion to ensure that the grievance process and outcomes be rights-compatible, in accordance with Guiding Principle 31 (f), as well for the Compliance Advisor Ombudsman to exercise leverage with business enterprises to reform policies, standards, management systems or common practices that may be enabling factors or underlying causes of adverse effects.

⁸ See <http://investmentpolicyhub.unctad.org>.

⁹ Statement by European Union Special Representative for Human Rights, Stavros Lambrinidis, at the Forum on Business and Human Rights, 4 December 2012. Available from www.ohchr.org/Documents/Issues/Business/ForumSession1/SubmissionsStatements/StavrosLambrinidis.pdf.

¹⁰ See www.worldbank.org/safeguardsconsultations.

support capacity-building efforts to advance the implementation of the Guiding Principles. Lastly, the Council called on the Secretary-General to report on the implementation of the recommendations by the United Nations system in the first report due in June 2014.

9. The Working Group welcomes the report of the Secretary-General as well as the resolution and recommendations of the Human Rights Council. Implementation of these recommendations and the full support and engagement of the United Nations system will be necessary to advance in building the capacity of national stakeholders to implement the Guiding Principles. The Working Group will collaborate closely with OHCHR and other United Nations partners to ensure mainstreaming of the Guiding Principles within the United Nations system. Furthermore, the Working Group calls on States and the business community to support the establishment of a multi-stakeholder fund to support capacity-building activities.

C. Development of the post-2015 framework

10. The General Assembly is expected to adopt in late 2013, at its sixty-eighth session, its first resolution on the post-2015 development framework, which will replace the Millennium Development Goals. The resolution will be the culmination of an intense process of national and global thematic consultations and the establishment of a high-level panel by the Secretary-General.

11. The Working Group notes and supports the recommendation made by the United Nations System Task Team on the Post-2015 United Nations Development Agenda that human rights should be one of the three fundamental principles (alongside equality and sustainability) to form the basis for the post-2015 development agenda and framework.¹¹ The Working Group further highlights that the role of business is critical to all the trends, challenges and opportunities that were identified by the Task Team.

12. The Working Group therefore calls for the Guiding Principles, which were developed to address the global governance gap between the scope and impact of economic forces and actors, to be fully integrated into global post-2015 strategies relating to business enterprises. Specifically, the Working Group, in its submission to the High-level Panel of Eminent Persons on a post-2015 United Nations Development Agenda, called for post-2015 recommendations addressing the role of business to, at a minimum, be aligned with the Guiding Principles and the corporate responsibility to respect human rights.

III. Information received by the Working Group

13. In 2012, the Working Group received approximately 40 submissions detailing situations of concern. Submissions came primarily from civil society organizations and academic researchers, as well as from national human rights institutions and intergovernmental organizations. These reports commonly addressed the impact of business activity on specific communities, with about 25 per cent of the submissions focusing specifically on indigenous peoples. The majority of the reports concerned individuals and communities in the Asia-Pacific and Latin America and Caribbean regions. They chiefly addressed the alleged negative human rights impact caused by or linked to the mining, energy and financial sectors. The most frequent allegations concerned the rights to life,

¹¹ United Nations System Task Team on the Post-2015 United Nations Development Agenda, *Realizing the Future We Want for All*: report to the Secretary-General, June 2012. Available from www.un.org/millenniumgoals/pdf/Post_2015_UNTTreport.pdf.

health, food, water, work and adequate housing. The Working Group received an especially large number of cases involving conflicts between local communities and businesses over land and resources, including multiple reports of forced evictions as well as of businesses operating or having an impact on land traditionally used by, or of cultural significance to, indigenous peoples without their free, prior and informed consent. In many reports it was noted that conflicts between communities and businesses had led to the harassment and persecution of members of the communities affected, as well as of human rights defenders investigating, protesting, seeking accountability and access to remedies for victims of alleged abuses linked to business activities. This included instances of arbitrary detention, threats, violence and killings, targeting by armed groups, disappearances, restrictions of the freedoms of assembly and expression, and other violations of rights. The Working Group will continue to receive and analyse such submissions to inform its work and strategy, to identify barriers to the effective implementation of the Guiding Principles and gaps in the protection of human rights in the context of business activities, and to inform recommendations made to States, business and other actors on the implementation of the Guiding Principles.

IV. Results of pilot surveys of States and business enterprises

14. Today, policymakers and business enterprises broadly acknowledge that States have a duty to protect and that companies have a responsibility to respect human rights, as set out in the Guiding Principles. Much attention is therefore now focused on how States and business enterprises should or do engage with multiple stakeholders as part of their efforts to implement the Guiding Principles, including what issue areas or groups require priority attention, and how to identify and disseminate best practices.

15. While the Working Group and stakeholders across the globe recognize that comprehensive integration of the Guiding Principles into State and corporate policies and practices through multi-stakeholder consultation and participation takes time, the current political reality around the globe, especially in the aftermath of the global financial crisis, is raising expectations on the issue of corporate conduct. The pace at which States and companies act, and the pace of action by the constellation of actors that incentivize and facilitate implementation, will certainly need to increase if businesses are to manage social and political risk.

16. To integrate the Guiding Principles effectively and to increase the pace of action requires a solid baseline of credible and complete data on existing initiatives and lessons learned that can support States, business enterprises, the United Nations and other stakeholders as they progress in their work of disseminating, implementing and embedding the Guiding Principles globally.

17. To that end, and in order to assess progress and to identify how best to assist the implementation of the Guiding Principles, the Working Group has elaborated and commissioned two pilot surveys¹² of States and business on the issue of business and human rights, and awareness and implementation efforts. The Working Group thanks all those States and business enterprises that responded to the surveys.

¹² See A/HRC/23/32/Add.2. The State survey was developed and disseminated in cooperation with Denver University and the University of Minnesota. The corporate survey was developed and disseminated in cooperation with the Global Business Initiative, the International Chamber of Commerce, the International Organisation of Employers and the University of Denver. Preliminary findings from the State survey and the findings of the corporate survey were presented by the Working Group at the 2012 Forum on Business and Human Rights.

18. The Working Group further encourages in-depth national surveys of State entities and business enterprises on implementation initiatives, to complement the global surveys it has commissioned.¹³

A. State survey

19. The discussion surrounding the State's duty to protect from human rights abuses and adverse effects of corporate activity has developed substantially over the past two decades, with the Guiding Principles bringing important clarity to the differentiated and complementary roles of States, business and civil society. Today, policymakers and business focus therefore not on whether States have a duty to protect against abuse by business enterprises, but how States should or do engage with multiple stakeholders to fulfil such a duty by means of preventive and remedial measures. States are now widely expected to provide explicit guidance to businesses specifically on addressing any adverse impact on human rights; to ensure that non-judicial and judicial remedy options are available to those communities, workers, consumers, clients and shareholders whose rights have been negatively affected by business enterprises; to integrate business and human rights into the functions of ministries and agencies that interact with and regulate business activity; and to strive to close any potential regulatory or policy gaps that may hinder the fulfilment of their duty to protect against corporate human rights abuses. More broadly, international business organizations voice their demand for greater observance by the State of the rule of law and the enforcement of anti-corruption measures, which are understood to foster a conducive environment for business to contribute positively to society and sustainable development.

20. Given that States design their laws, policies and programmes in accordance with their own local context and their international legal obligations, it is to be expected that the Guiding Principles will be implemented in a different way from one State Member of the United Nations to the next. Still, as implementation of the Guiding Principles kicks off and advances, there will be emerging trends, best practices and lessons that can be learned among States with regard to successful measures, obstacles and opportunities to build capacity among public officials according to the role they play in the individual State.

21. The above issues were the focus of a pilot survey¹⁴ addressed to all States Members of the United Nations by the Working Group in October 2012, with the purpose of obtaining an evidence-based foundation for informing the discussions among stakeholders on the implementation of the Guiding Principles. The survey also reminded States of the increasing worldwide social expectation, as shown by the global participation in the Forum, that they embrace proactively the Guiding Principles. Following an extension of the initial deadline, as at 31 January, a total of 26 responses from countries all over the world had been received. The Working Group also conducted selected interviews with Member States between November 2012 and January 2013 to clarify answers and to collect details of relevant State implementation initiatives publicly shared at the Forum. The complete results of the survey and the systematization of further information shared by States on the implementation of the Guiding Principles are presented in an addendum to the present

¹³ Examples include the baseline surveys among member States of the Association of Southeast Asian Nations (ASEAN) commissioned by the ASEAN Intergovernmental Commission on Human Rights and the Human Rights Resource Centre for ASEAN.

¹⁴ For the text of the survey, see www.ohchr.org/EN/Issues/Business/Pages/ImplementationGP.aspx.

report.¹⁵ The Working Group wishes to thank the States that answered the survey and encourages them to make their answers public.¹⁶

22. The key results of the survey are described below.¹⁷

23. The demand for the Guiding Principles does not stem from any one region of the world, but spans all regions. There is a clear impetus in Europe following the Communication on Corporate Social Responsibility of 2011 issued by the European Commission,¹⁸ which asked countries to develop national plans of action; a large majority of member States have already done so.¹⁹ Formal communiqués, directives and advice by regional bodies or national legislators were mentioned as useful tools to encourage implementation of the Guiding Principles by States.

24. Though key issue areas on business and human rights vary according to the State, the groups of potentially affected stakeholders and the types of rights potentially affected by business are still broad. The broad scope of the Guiding Principles is therefore appropriate. The challenges associated with business effects in contexts where there is violence, armed conflict, piracy or criminal activity were frequently mentioned by States as priority focus areas.

25. The majority of States that responded to the survey indicated that they had corporate social responsibility policies already in place. The extent to which these policies are aligned with the Guiding Principles is unclear. Some States have explicitly integrated the Guiding Principles into their corporate social responsibility policies, while others have done so because they base their policies on the OECD Guidelines for Multinational Enterprises and the principles of the Global Compact, both of which take the Guiding Principles as the authoritative standard of reference on the issue of managing the adverse human rights impact of business. Other States only refer to corporate social responsibility in a general way. Some States have focused on particular industries, either by convening or hosting specific workshops. Others have worked through collaborative efforts, including multi-stakeholder initiatives, at the national or the international level, such as the Voluntary Principles on Security and Human Rights, the International Code of Conduct for Private Security Service Providers and the Extractive Industries Transparency Initiative.

26. Sustainability reporting requirements by States and stock markets have been increasing over the years. At the Forum, experts suggested the use of reporting as an accessible transparency measure to encourage companies to implement the Guiding Principles and further assist human rights due diligence by business partners and shareholders. According to the survey, 16 States indicated that they encouraged businesses to report on human rights; in 10 States, such reports were mandatory; in five States, they were voluntary; while in one State, there were both mandatory and voluntary reporting requirements. Most States did not have follow-up protocols for reporting. Some States took Global Reporting Initiative reports and Communication on Progress reports of the Global

¹⁵ A/HRC/23/32/Add.2.

¹⁶ While answers to the survey were treated anonymously to encourage a greater response rate, some States have nevertheless decided to make their replies public; see www.ohchr.org/EN/Issues/Business/Pages/ImplementationGP.aspx.

¹⁷ Care should be taken when interpreting the results. Similar to previous State surveys, no firm conclusions may be drawn owing to the low response rate. Given the small sample size, the trends and practices included in the present report are not necessarily representative of all States. While some countries responded to the entire survey, other countries only responded to a few questions. The response rate per question varied considerably.

¹⁸ See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0681:FIN:EN:PDF>.

¹⁹ Statement by the European Union Special Representative for Human Rights (see footnote 9).

Compact to count as human rights reporting; one had introduced new requirements on reporting that specifically ask that human rights due diligence, as contained in the Guiding Principles, be demonstrated.

27. The national dissemination of laws or policies on business and human rights is a key challenge that States face in the implementation of the Guiding Principles. Eight States identified public dissemination as a major challenge, while seven lacked the resources to promote the policies effectively. Six States also reported a lack of willingness by business actors to comply. Six States reported that the State lacked the capacity to implement the policy.

28. In 10 cases, States reported coordination between their agencies in charge of human rights and those on trade and investment. In 14 cases, States reported the inclusion of human rights provisions (including on environmental and labour issues) in the agreements they had signed. Only five States included human rights provisions in their policies to promote foreign export and investment. This would suggest a missed opportunity by States to introduce greater coherence.

29. Broadly speaking, States can regulate respect for human rights for business in many ways. Some States reported existing legislation that captures these issues. Some, however, commission legal and regulatory gap analyses. States also attempt to identify priority areas to maximize their impact given the resource constraints and the nature of the business and human rights challenges companies domiciled in their territory face.

30. In the survey, States were asked to indicate, from a list of judicial and non-judicial tools, which mechanisms the State used to redress cases of business-related human rights impact and abuses within the country. Nine States responded that they used sanctions, while six others used some kind of compensation (financial or non-financial). Six States also reported using environmental rehabilitation, while five States confirmed that they used injunctions or guarantees of non-repetition to ensure prevention of harm. Six States also reported the use of public or private apologies. Only two States indicated they had turned to land restitution.

B. Business survey

31. The pilot survey of business elicited more than 100 responses from a diverse group of business respondents in terms of industry, size, ownership and geographic location. The results of the survey suggest that companies are considering and actively working to address human rights with reference to international human rights standards and the Guiding Principles. The diversity of business respondents to the survey also point to a new, more global and diverse dialogue on business and human rights in the private sector.

32. The sample reflected rising awareness of and engagement with the Guiding Principles in the business community. According to the survey, efforts are being put into human rights policy commitments; identifying, assessing and addressing adverse human rights impact; communicating with a range of stakeholders; and supporting or providing for access to remedies. These results indicate a strengthening in the trend identified by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises²⁰ in the data gathered in his survey of Fortune Global 500 companies, which had already shown that a significant number of global firms had human rights policies and practices in place.

²⁰ See A/HRC/4/35/Add.3.

33. The survey indicated that, as business enterprises progressively implement the Guiding Principles, they face more complex challenges that require a more profound and nuanced analysis of required responses. One of the most striking patterns revealed by the survey was that, when asked general questions about the components of the responsibility to respect (policy commitment, addressing impact, communication and reporting), a large number of respondents were confident that their company had some form of practice in place. When respondents were asked questions pertaining to how mature or embedded practices were, however, the response rate dropped considerably and the number of “unsure” replies increased. While 82 per cent of respondents agreed that “when an actual or potential human rights impact is identified, responsibility is allocated to the relevant business unit and/or department to resolve the issue and report on progress when necessary”, only 53 per cent agreed that their company tracked progress on addressing such impact by developing “qualitative and quantitative indicators, informed by experts and relevant stakeholders”. Similarly, while 91 per cent of respondents expressed that they had feedback mechanisms that allowed employees to submit issues of concern to management, only 51 per cent replied that their company was “using grievance data for management systems review and continuous learning”. Addressing such challenges in implementing human rights due diligence and engaging in access to remedy may require innovative approaches. Good practices and lessons learned in this field should be identified and shared with other stakeholders.

34. With regard to implementing their policy commitment, challenges included difficulties in communicating the policy in a clear way to all relevant external parties and in translating the policy commitment into relevant operational procedures.

35. With regard to understanding cases of human rights impact, challenges included (a) uncertainty of how far to go into the supply chain in order to understand impact; (b) challenges in access to credible information; (c) a lack of proven methodologies and frameworks to help assess impact; and (d) a lack of understanding of how to engage with stakeholders where Governments restrict dialogue.

36. With regard to addressing cases of impact, tracking responses and communication, challenges included (a) difficulties in managing situations where leverage over business partners is limited, and the difficulties in building such leverage; (b) difficulties in addressing impact in situations where human rights are not part of local law or not applied in practice; and (c) a lack of understanding of company responsibilities in situations where government institutions are lacking.

37. With regard to complaints, grievances and access to remedies, challenges included (a) difficulties in adapting a grievance mechanism to a cultural context; (b) difficulties in building trust in the mechanism; (c) challenges in moving from a complaints hotline to an effective grievance mechanism; and (d) difficulties in incorporating grievance mechanisms into stakeholder management.

38. The survey sample did not indicate significant variations in answers according to geographical location, industry or company size. Due attention should be paid to this aspect in future surveys and consultations.

V. Forum on Business and Human Rights

39. The first annual Forum on Business and Human Rights, held on 4 and 5 December 2012, in Geneva, brought together approximately 1,000 participants from 85 countries, including 50 State delegations and representatives of 150 companies and 180 civil society organizations, as well as other groups, with equal participation of men and women. Participants included directly affected stakeholders and their representatives, including

many representatives of indigenous peoples. From the business sector, a number of major multinational corporations participated from the mining, oil and energy, technology, chemicals, banking and finance, electronics and textiles industries. Participants also included representatives of 15 specialized agencies of the United Nations system, 17 intergovernmental organizations and 19 national human rights institutions, as well as other key leading organizations with regard to standards on business and human rights.

40. A summary of the discussions held during the 21 substantive sessions of the Forum was prepared by the chairperson of the Forum.²¹ Additional materials, including session concept notes, statements received, written submissions and video recordings are also available for consultation.²²

A. Action and priorities based on Forum discussions²³

41. On the basis of the presentations made and discussions held at the Forum, the Working Group has identified the priorities below, to be considered by States, businesses and other relevant stakeholders, as appropriate.

1. State duty to protect

42. The Working Group notes the diverse initiatives undertaken by States to fulfil their duty to protect human rights from adverse forms of impact of business activities, and identifies as a priority the need to obtain increased support to systematize and facilitate the exchange of lessons learned from such initiatives at the working level between States. Such exchanges will support existing initiatives and encourage States that have not started implementation. The survey conducted by the Working Group on State efforts partly addresses the need to systematize such experiences. Regional consultations (see also paragraph 58 below) and the use of online platforms would also offer further opportunities to identify and share lessons learned from such initiatives within and across regions. The Working Group also notes the key role that national human rights institutions can play in the implementation of the Guiding Principles, and encourages close cooperation between other State institutions and national human rights institutions.

43. The Working Group notes the multiple challenges faced in implementing the State duty to protect, and identifies as priorities the need:

- (a) To build the capacity of State officials, regulators and national human rights institutions in this field;
- (b) To explore with all stakeholders possible avenues to address the gap in situations of conflict and in the absence of effective State authority;
- (c) To collect evidence of good practices in overcoming the negative forms of impact of compartmentalization of responsibilities to implement within the State;
- (d) To collect evidence of good practices in establishing concrete requirements on companies on the basis of the State duty to protect.

²¹ A/HRC/FBHR/2012/4.

²² See www.ohchr.org/EN/Issues/Business/Forum/Pages/2012ForumonBusinessandHumanRights.aspx.

²³ See A/HRC/FBHR/2012/4 and the Forum website for additional details on each panel.

2. Corporate responsibility to respect

44. The Working Group notes the initiatives shared during the Forum with regard to implementing the business responsibility to respect, and identifies as priorities the need:

(a) To support efforts for collective action within industries to identify key sectoral challenges, and to develop high-quality sector-specific awareness-raising and implementation tools;

(b) To provide more tools and support networks for “champions” (namely, individuals within companies that want to advance in the implementation of the corporate responsibility to respect human rights);

(c) To support “safe” spaces for peer learning and for companies to be able to engage openly with each other and other stakeholders to discuss and address challenges.

45. The Working Group also notes the challenges faced with regard to implementing the corporate responsibility to respect, and identifies as priorities the need to collect and disseminate evidence of practice and issue guidance on:

(a) The operationalization of corporate human rights policies and human rights due diligence in different industrial sectors;

(b) Effectively tracking responses and establishing accountability mechanisms

(c) Addressing non-compliance by business partners and other actors linked to a company through business relationships, including by exercising leverage;

(d) Implementing the Guiding Principles in contexts with weak governance and rule of law;

(e) Ensuring that corporate efforts address the full range of normative standards underpinning the Guiding Principles, including standards of the International Labour Organization (ILO).

The Working Group further notes the challenge for companies in finding adequate human rights expertise and training.

3. Global governance frameworks

46. The Working Group notes the key role of global governance frameworks in requiring or encouraging the implementation of the Guiding Principles by States and business enterprises. Embedding the Guiding Principles within such governance frameworks is a key component of the strategy of the Working Group, which welcomes the integration of the Guiding Principles into several global governance frameworks, including the United Nations system, other intergovernmental bodies including regional organizations, and private and multi-stakeholder initiatives.²⁴ The Working Group stresses the need:

(a) To increase convergence between the Guiding Principles and other global governance frameworks;

(b) To develop further the performance and effectiveness of grievance mechanisms based on such frameworks, such as the National Contact Points of the Organization for Economic Cooperation and Development and the Compliance Advisor Ombudsman of the International Finance Corporation;

²⁴ See, inter alia, A/HRC/20/29 and A/67/285.

(c) To strengthen the uptake of the Guiding Principles in the global governance frameworks of the financial sector.

4. Access to judicial remedy

47. The Working Group notes the multiple legal and practical barriers for victims in their access to judicial remedies for negative cases of impact of business activities, including the cost of such mechanisms; the lack of resources and legal assistance available for victims; the complexity of corporate structures and contractual relationships; the lack of access to information; jurisdictional challenges; the burden of proof; political obstacles; the difficulties in enforcing judgements; the lack of legal avenues at the national level; the restrictive investment agreements; and weak regulatory regimes. The Working Group also notes with concern the reports heard during the Forum of grave allegations of harassment, persecution and reprisals faced by victims and human rights defenders when seeking judicial remedy. The Working Group stresses the need:

(a) For States to address the legal and practical barriers for victims in their access to judicial remedies in the implementation of the Guiding Principles, as well as protecting victims and human rights defenders from harassment, persecution and reprisals;

(b) For business enterprises to ensure that they cooperate and do not weaken the integrity of judicial processes;

(c) To build evidence of good practices by States in overcoming such barriers;

(d) To further explore possible developments to address the lack of judicial remedies for gross human rights abuses.

5. Access to non-judicial remedies

48. The Working Group notes that victims face multiple barriers in their access to non-judicial remedies, and challenges with regard to the effectiveness of non-judicial mechanisms. The Working Group also notes the lessons learned and examples shared during the Forum with regard to mechanisms for providing non-judicial remedies, including State-based mechanisms, grievance mechanisms based within intergovernmental organizations, multi-stakeholder mechanisms and company based mechanisms. The Working Group stresses the need:

(a) To conduct further research on the elements and criteria for effective non-judicial remedies;

(b) To issue more detailed guidance to stakeholders on how to ensure non-judicial remedies are more effective for victims.

6. Role of civil society

49. The Working Group notes the role of civil society organizations and human rights defenders in raising awareness of the grave negative human rights impact of some business activities, as well as the harassment, persecution and reprisals faced by human rights defenders and civil society organizations that try to address such forms of impact and ensure access to remedies for victims. The Working Group stresses the need:

(a) To increase support for civil society organizations and human rights defenders for their work in advocating for the implementation of the Guiding Principles, in particular with regard to access to remedies for victims;

(b) To strengthen the protection of civil society organizations and human rights defenders from harassment, persecution and reprisals linked to their work;

(c) To increase dissemination and awareness of the Guiding Principles among civil society organizations.

7. Implementation of the Guiding Principles by the United Nations system

50. The Working Group noted the initiatives taken within the United Nations system to disseminate and implement the Guiding Principles in the context of the recent report of the Secretary General (A/HRC/21/21) and Human Rights Council resolution 21/5, in which the Council called on the United Nations system as a whole to support the implementation of the Guiding Principles. The Working Group identifies as priorities the need:

(a) To implement the recommendations of the Human Rights Council in its resolution 21/5 and in the report of the Secretary-General;

(b) To play a key role in building the capacity of stakeholders at the national level in the implementation of the Guiding Principles;

(c) To ensure coordination and coherence among different United Nations initiatives in this field, and alignment with the Guiding Principles;

(d) To ensure the integration of the Guiding Principles into the post-2015 development agenda and framework.

8. Situations of conflict

51. The Working Group noted multiple national, intergovernmental, industry and multi-stakeholder initiatives to regulate and set both voluntary and mandatory standards for business investment and operations in situations of conflict. It also noted the potential role of investors, credit agencies, stock exchanges, national legislation with extraterritorial applications and regional mechanisms in supporting the enhanced implementation by business of the Guiding Principles, including human rights due diligence and operational grievance mechanisms. The Working Group identified as priorities the need:

(a) To assess the effectiveness of existing initiatives and guidelines in situations of conflict, including with regard to access to remedies, and the identification of gaps and lessons learned;

(b) To support and strengthen existing initiatives based on lessons learned;

(c) To encourage greater coherence and alignment among relevant standards relating to situations of conflict and the Guiding Principles;

(d) To clarify guidance for business in situations of conflict;

(e) To collect evidence on the implementation of the corporate responsibility to respect in relation to transitional justice, reparations and post-conflict situations.

9. Small- and medium-sized enterprises

52. The Working Group took note of both the multiple challenges to raise awareness of human rights and the Guiding Principles among small- and medium-sized enterprises and the initiative of the European Commission and others to provide specific guidance to such enterprises on the Guiding Principles. The Working Group identified as priorities the need:

(a) To elaborate tools and guidance adapted to small- and medium-sized enterprises, including guidance produced and tailored to specific national contexts while staying aligned with the Guiding Principles;

(b) To encourage targeted capacity-building for small- and medium-sized enterprises;

(c) To encourage partnerships and increase dissemination and implementation through both chambers of commerce and value chains;

(d) To build evidence and collect examples of practice by small- and medium-sized enterprises.

10. Indigenous peoples

53. The Working Group took note with concern of the many allegations of serious violations and challenges in ensuring respect for the rights of indigenous peoples in the context of business activities, as well as of existing initiatives and lessons learned in the protection of those rights. The Working Group identified as priorities the need:

(a) To encourage the use of the Guiding Principles in promoting the corporate responsibility to respect human rights in relation to indigenous peoples and business activities in alignment with other relevant standards, including the United Nations Declaration on the Rights of Indigenous Peoples;

(b) To collect further evidence of lessons learned from initiatives and partnerships and business practices respecting the rights of indigenous peoples, including overcoming challenges in the implementation of such initiatives;

(c) To raise awareness of and build capacity on the Guiding Principles among indigenous peoples and on the rights of indigenous peoples among business enterprises;

(d) To provide further guidance on addressing key challenges, including culturally appropriate meaningful consultations, access to remedies and addressing conflict between enterprises and indigenous peoples.

11. Financial sector

54. The Working Group noted the key role of both public and private finance institutions in ensuring the implementation of the Guiding Principles by businesses. It also noted the current initiatives by public finance institutions to incorporate human rights into their policies, and identified as priorities the need:

(a) For States to ensure more effective integration of human rights and the Guiding Principles into the policies of public financial institutions, including multilateral financial institutions and export credit agencies;

(b) For States to address current challenges in this regard as a matter of priority, and to encourage the strengthening of grievance mechanisms linked to such institutions, in accordance with the Guiding Principles;

(c) For greater collaboration between public finance institutions and alignment with human rights standards and the Guiding Principles.

55. The Working Group notes the potential far-reaching influence and impact of the private financial sector on human rights, and also the initiatives by some investors, including ethical funds and institutional investors, to incorporate human rights considerations into the establishment of their portfolios. The Working Group welcomed efforts, such as the OECD initiative, to elaborate specific guidance on the implementation of the Guiding Principles in this sector. It identified as priorities the need:

(a) To gather evidence on lessons learned from initiatives in the financial sector;

(b) To elaborate more guidance on the implementation of human rights due diligence, access to remedies and exercising leverage within the financial sector;

(c) To include references to human rights in the Principles for Responsible Investment;

(d) To provide financial regulators with guidance on integrating human rights and the Guiding Principles into their work.

12. Capacity-building

56. The Working Group has previously noted that the lack of capacity among stakeholders, including States, business enterprises, national human rights institutions and civil society organizations, in the area of business and human rights is a challenge to the implementation of the Guiding Principles. It noted as priorities the need:

(a) To scale up basic awareness-raising and capacity-building with regard to the Guiding Principles for all stakeholders;

(b) To promote collaboration, coherence and convergence among different initiatives that build awareness, provide guidance and tools on the implementation of the Guiding Principles.

The Working Group has further called for the United Nations to examine the feasibility of establishing a global multi-stakeholder fund on business and human rights, and for States, business enterprises and other stakeholders to collaborate in that effort.

13. Implementation of the principles for responsible contracts

57. The Working Group noted the importance of integrating human rights into contract negotiations in accordance with the principles for responsible contracts elaborated by the Special Representative of the Secretary-General.²⁵ Further to the challenges highlighted, including lack of awareness and of effective integration in negotiations on investments treaties and contracts, the Working Group identified as priorities the need:

(a) To further raise awareness and to promote the principles for responsible contracts among all stakeholders;

(b) To collect evidence and lessons learned of the incorporation of human rights into contract negotiations in different sectors and contexts;

(c) To build capacity on the use of the principles for responsible contracts by State and business negotiators.

B. Regional consultations and preparations for the 2013 Forum on Business and Human Rights

58. Following the 2012 Forum on Business and Human Rights, the Working Group decided to engage with partners in different regions to organize regional consultations on business and human rights, with the aim of:

(a) Raising awareness and promoting the implementation of the Guiding Principles in the region;

(b) Identifying trends and challenges in the implementation of the Guiding Principles at the regional level;

²⁵ A/HRC/17/31/Add.3.

- (c) Identifying priorities to be addressed in each region and opportunities to cooperate in addressing them;
- (d) Promoting learning and the sharing of experiences from within the region and with other regions;
- (e) Promoting the adoption of national plans of action.

The Working Group plans for the outcomes of each regional consultation to feed into and strengthen discussions at the 2013 Forum on Business and Human Rights, to be held on 3 and 4 December 2013, in Geneva.

VI. Country visits

59. The Working Group conducted its first visit to Mongolia from 8 to 18 October 2012, and prepared a full report thereon as an addendum to the present report.²⁶ The Working Group thanks the Government of Mongolia for its invitation and the Government and all stakeholders that assisted the visit and engaged with the Working Group.

60. The Working Group recognizes the importance of country visits as a key aspect of its mandate. They are an opportunity to help to move a country forward in managing cases of negative impact of business activities, including through the targeted recommendations of the Working Group that are based on direct interaction with representatives of the Government, the business community and civil society, and directly affected individuals and groups in the country. Country visits also offer an opportunity for the Working Group to clarify what the Guiding Principles mean in actual practice, using a concrete national context. To achieve the full extent of this potential, the Working Group has adopted a systematic approach to its country visits and developed, in collaboration with the Danish Institute for Human Rights, a template to guide each country visit. The draft template was publicly presented and consulted on during the 2012 Forum on Business and Human Rights. The Working Group will continue to develop, refine and consult on the template throughout 2013 with a view to further strengthen its approach and generate interest, understanding and engagement with country visits.

61. The first visit to Mongolia provided the Working Group with an opportunity to engage directly with stakeholders in Mongolia to identify the main business-related forms of impact on human rights; to identify what key actors are currently doing to address these; to clarify the challenges preventing key actors from meeting their human rights obligations; and to identify the opportunities to advance the implementation and dissemination of the Guiding Principles, and the good practices and lessons learned that can be shared more broadly.

62. Details on the forthcoming country visits of the Working Group, including dates, will be posted on the website of the Working Group²⁷ when confirmed with the host countries. The Working Group looks forward to engaging with all stakeholders during its forthcoming country visits and to the further systematic development of its approach to this critical aspect of its mandate.

²⁶ A/HRC/23/32/Add.1.

²⁷ www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx.

VII. Update on Working Group projects²⁸

63. The Working Group presents the updates with regard to the projects described in the report of the Working Group to the General Assembly.²⁹

A. Access to remedy

64. The Working Group is undertaking a project in collaboration with partners to build capacity to enhance access to remedy, both judicial and non-judicial, in the area of business and human rights. The project will produce guidance on what constitutes an “effective remedy” based on lessons learned; map out existing non-judicial grievance mechanisms; make recommendations on domestic judicial remedy options based on research and case studies; and promote convergence and coherence among international non-judicial grievance mechanisms with the Guiding Principles. Depending on funding and timing, the Working Group plans to present initial findings from the project at the 2013 Forum on Business and Human Rights.

B. Indigenous peoples

65. The Working Group has recognized that some groups and individuals, including indigenous peoples, face particularly significant obstacles when seeking remedies for business-related human rights grievances.³⁰ It has also noted that indigenous peoples in all regions are profoundly and disproportionately adversely affected by business-related activities, such as resource extraction and infrastructure development and that they frequently face discrimination in law and social practice and are marginalized in the development of policies, laws and regulations that have a bearing on business and human rights issues that affect them.³¹ The Working Group therefore announced that it would specifically address the situation of indigenous peoples through its activities. At its third session, the Working Group decided that it would submit a thematic report on the issue of indigenous peoples and business and human rights to the General Assembly in 2013. The drafting process will include consultations with all relevant stakeholders, including indigenous peoples. The Working Group held initial consultations thereon during its fourth session.

VIII. Update on tools and guidance on the implementation of the Guiding Principles

66. As part of its strategy to support the dissemination and implementation of the Guiding Principles, the European Commission has published a guide to human rights for small- and medium-sized enterprises,³² and is further elaborating guidance on implementation in the employment and recruitment, information and communications

²⁸ Project implementation is subject to the allocation of sufficient financial resources.

²⁹ A/67/285.

³⁰ A/HRC/20/29, para. 57.

³¹ *Ibid.*, para. 67.

³² See ec.europa.eu/enterprise/policies/sustainable-business/files/csr-sme/human-rights-sme-guide-final_en.pdf.

technology, and oil and gas sectors.³³ The Global Compact published a draft business reference guide to the United Nations Declaration on the Rights of Indigenous Peoples.³⁴ The Centre for Research on Multinational Corporations (SOMO), the Center for Human Rights and Environment (CEDHA) and Cividep have published a guide on how to use the Guiding Principles in company research and advocacy.³⁵ The Thun Group of Banks is developing guidance on human rights assessments and human rights due diligence within the banking sector.³⁶ The Business and Human Rights Resource Centre has developed a page referencing known tools and guidance on the Guiding Principles.³⁷

IX. Methods of work

67. At its third session, the Working Group adopted revised methods of work.³⁸ It reaffirmed its commitment to engage openly and meaningfully with all stakeholders through a balanced approach. It further emphasized that it welcomed partnerships and support from relevant stakeholders in order to fulfil its mandate and advance the business and human rights agenda.

68. At its third session, the Working Group decided that, while it was generally not in a position to address individual cases of alleged business-related human rights abuse, it may, at its discretion, raise specific allegations that it determined to be particularly emblematic with relevant State authorities and companies, and request clarification or additional information, as appropriate.³⁹ The Working Group appointed a Vice-Chairperson to fulfil all the duties of the Chairperson when the Chairperson is otherwise unavailable.

X. Recommendations

69. The Working Group recognizes that States and businesses face different situations and contexts, and that there is no single approach to implementing the Guiding Principles. Nonetheless, on the basis of the engagement and outreach of the Working Group with stakeholders during the first year of its mandate, the information received by the Working Group, the results of the State and business surveys and the experiences discussed at the Forum, the Working Group makes the recommendations below on the steps that States, business enterprises and other stakeholders should consider taking in order to fulfil their respective duties and responsibilities.⁴⁰

³³ See ec.europa.eu/enterprise/policies/sustainable-business/corporate-social-responsibility/human-rights.

³⁴ See

www.unglobalcompact.org/docs/issues_doc/human_rights/UNDRIP_Business_Reference_Guide.pdf.

³⁵ See somo.nl/publications-en/Publication_3899/.

³⁶ See

www.ohchr.org/Documents/Issues/Business/ForumSession1/SubmissionsStatements/ThunGroup.pdf.

³⁷ See www.business-humanrights.org/UNGuidingPrinciplesPortal/ToolsHub.

³⁸ A/HRC/WG.12/3/1, annex.

³⁹ Such communications are included in the communications reports of special procedures, available from www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx.

⁴⁰ The recommendations should be read in conjunction with the Guiding Principles and the preliminary recommendations for stakeholders contained in the report of the Working Group submitted to the General Assembly (A/67/285), paras. 74-86.

A. Stakeholders

70. The Working Group calls upon all stakeholders:

(a) To collect and exchange lessons learned from implementation efforts. Lessons learned from implementation efforts by States and business enterprises should be systematically shared with the Working Group. At the national, regional and sector levels, the exchange of these lessons learned should be facilitated, at both the policy and the working levels, between stakeholders.

(b) To enhance guidance on effectiveness of remedy. Stakeholders are encouraged to collaborate in the efforts made by the Working Group to conduct further research and to establish more detailed guidance on effectiveness criteria for non-judicial remedy mechanisms.

(c) To provide small- and medium-sized enterprises with guidance. States and business organizations should cooperate to raise awareness of the Guiding Principles among these enterprises, and to elaborate specific tools and guidance on implementation for them.

(d) To address the situation of indigenous peoples. Stakeholders are encouraged to collaborate in the efforts of the Working Group to provide States and business enterprises with more detailed guidance on the implementation of the Guiding Principles in relation to indigenous peoples and potential or actual impact on their human rights relating to business activities, with due regard for the United Nations Declaration on the Rights of Indigenous Peoples.

(e) To increase capacity to use the Guiding Principles. States, business enterprises, the United Nations system, regional organizations and other stakeholders are encouraged to collaborate to raise the awareness and capacity of all actors to use the Guiding Principles to improve the prevention of adverse impacts on human rights arising from business activities and to ensure accountability and remedy cases of impact when they occur. This should include special efforts to raise awareness and capacity to use the Guiding Principles by civil society organizations, human rights defenders and individuals or groups who are at a heightened risk of vulnerability to negative impact or marginalization.

(f) To use the Principles for responsible contracts. States and business enterprises should raise the awareness and capacity of negotiators to use the principles for responsible contracts⁴¹ in State-investor negotiations.

B. States

71. The Working Group calls upon all States, when implementing the Guiding Principles, to consider the following actions:

(a) To designate responsibility for the implementation of the Guiding Principles and focal points in relevant ministries, and establish an interdepartmental group on the issue, or build on an existing mechanism for this purpose. States should avoid the compartmentalization of responsibilities on implementation of the Guiding Principles within single departments. The awareness and capacity of members of the group on the Guiding Principles should be built. The group should ensure collaboration with the national human rights institution.

⁴¹ A/HRC/17/31/Add.3.

(b) To review the current situation and legal and regulatory framework, including by mapping and analysing current laws, regulations, policies and practices in the field of business and human rights; reviewing the current situation of business and human rights, focusing on all three pillars of the Guiding Principles (State duty to protect, corporate responsibility to respect and access to remedy); and identifying gaps in protection and in access to remedy.

(c) To strengthen the capacity of the national human rights institution on business and human rights, helping it to play an effective role in advancing the business and human rights agenda at the national level, encouraging multi-stakeholder dialogue, building the capacity of national actors on business and human rights, supporting the identification of any cases of adverse impact on human rights of business activities and the access to remedy of those affected.

(d) To consult with external stakeholders, including affected communities, small and large business enterprises, industrial groups, civil society organizations, trade unions, academia, and regional and international actors when designing actions and plans to implement the Guiding Principles; and pay special attention to persons at a heightened risk of vulnerability to adverse impacts on human rights from business operations and who, at the same time, may have less recourse to remedies.

(e) To consult and exchange with other States and with the Working Group on experiences and lessons learned from the implementation of the Guiding Principles, including through the Forum on Business and Human Rights, and regional events; and collect and share evidence of effective practices to establish concrete requirements of companies on the basis of the State duty to protect.

(f) To consider elaborating a national plan of action on implementation to define responsibilities at the national level, identify resource requirements and mobilize relevant actors, building on lessons learned from such experiences in other countries.

(g) To address barriers to access to remedy, including by increasing support for civil society organizations and human rights defenders that address barriers to access to remedy for victims of human rights abuses; protecting victims and human rights defenders from harassment, persecution and reprisals for seeking access to remedies for human rights abuses linked to corporate activities; cooperating with other States to explore possible developments to address the lack of judicial remedies for gross human rights abuses; and providing clear guidance on corporate responsibility for human rights to business enterprises operating in situations of conflict.

(h) To ensure the integration, as appropriate, of the Guiding Principles into the work of financial regulators and the policies of public financial institutions, including multilateral financial institutions and export credit agencies.

(i) To take steps to explore how to address the accountability gap regarding corporate liability for gross human rights abuses.

C. Business

72. The Working Group calls upon all business enterprises and business organizations, as part of their implementation of the Guiding Principles, to consider the following actions:

(a) To enhance tracking of the effectiveness of company responses when addressing actual or potential human rights impact identified, and to use data and

information from grievance mechanisms to review management systems and as a source of continuous learning.

(b) Industry groups should identify key sector-specific challenges to implementing the Guiding Principles, including carrying out human rights due diligence, and support collective action to address these; and develop high-quality sector-specific tools and guidance, in full alignment with the Guiding Principles, to raise awareness and support companies in each sector to implement the Guiding Principles.

(c) To cooperate at both the national and the sector levels to support peer learning on the implementation of the Guiding Principles, and to collaborate and encourage partnerships, including with small- and medium-sized enterprises, through chambers of commerce and along value chains.

(d) To support “safe” spaces for peer learning and for companies, including small- and medium-sized enterprises, to be able to engage with each other and other stakeholders to discuss and address challenges; and to collect and share effective practices on addressing the following common challenges:

(i) Communicating policy commitments, both internal and external, in a clear way to all stakeholders, and translating policy commitments into relevant operational procedures, ensuring their alignment with international human rights and ILO standards.

(ii) Determining the appropriate scope and reach throughout the value chain and across partner relationships, and using appropriate methodologies and collecting credible information to assess impact.

(iii) Addressing cases of impact and non-compliance by business partners when there is limited leverage.

(iv) Addressing cases of impact when operating in environments where human rights are not incorporated in national law, when laws are not applied in practice or in the absence of Government institutions, and effectively engaging with all stakeholders in contexts of restricted dialogue.

(v) Adapting grievance mechanisms to the cultural context, building trust in grievance mechanisms, and transitioning from complaints hotlines to effective grievance mechanisms.

(vi) Building awareness and capacity to identify individuals or groups who are at heightened risk of vulnerability to negative impact or marginalization, disenfranchised from decision-making or in other ways are less likely to have their interests and needs taken into account. Furthermore, understanding the applicable human rights standards and recognizing the specific challenges that may be faced in different contexts by indigenous peoples, women, national or ethnic minorities, religious and linguistic minorities, children, persons with disabilities, and migrant workers and their families, and other such groups, including with regard to ensuring meaningful consultations and effective access to remedy.

(vii) Cooperating with, and refraining from weakening the integrity of judicial processes for victims to access remedy for negative impact. Furthermore, cooperating with civil society organizations and human rights defenders that seek to address barriers to access to remedy for victims of negative impact.

(e) In the context of the corporate responsibility to respect human rights, actors in the financial sector should contribute to efforts and initiatives aimed at clarifying the operational implications of the Guiding Principles as applied across different segments of the financial sector, including with regard to access to remedies for any human rights impact caused, contributed to or linked to the activities of the financial sector. Furthermore, standards and guidelines elaborated by financial sector actors should be amended as appropriate to incorporate the Guiding Principles.

D. United Nations system

73. The Working Group calls on organizations of the United Nations system, in addition to the implementation of the recommendations made by the Secretary-General in his report⁴² and the Human Rights Council in its resolution 21/5, to advance the business and human rights agenda, to also consider the following specific actions:

(a) To ensure increased coordination of initiatives relating to business and human rights, and to ensure alignment between such initiatives and the Guiding Principles;

(b) To cooperate with the Working Group, intergovernmental organizations and national stakeholders to raise awareness and build the capacity of State authorities and business enterprises at the national level to implement the Guiding Principles;

(c) To ensure the integration of the Guiding Principles and the corporate responsibility to respect human rights into the post-2015 development agenda and framework;

(d) To integrate references to human rights and the Guiding Principles into United Nations standards and instruments on investment and finance, including the Principles for Responsible Investment.

E. Intergovernmental and regional organizations

74. The Working Group calls on intergovernmental and regional organizations to consider the following actions to build further convergence with the Guiding Principles:

(a) Regional organizations should support and encourage national efforts to implement the Guiding Principles, including by facilitating the exchange of experiences and lessons learned from national implementation plans and initiatives.

(b) Public and private governance frameworks that address business conduct should ensure alignment with the Guiding Principles, including with the corporate responsibility to respect and with grievance mechanisms.

(c) Public and private governance frameworks that have grievance mechanisms should measure the performance and effectiveness of these mechanisms on the basis of the effectiveness criteria established in the Guiding Principles.

⁴² A/HRC/21/21.

(d) Public and private governance frameworks operating in the financial sector should increase collaboration to address the corporate responsibility of financial actors, in accordance with the Guiding Principles, and strengthen mechanisms for access to remedy.
