



INTERNATIONAL COORDINATING COMMITTEE OF
NATIONAL INSTITUTIONS FOR THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS (ICC)

ICC Statement to the

OPEN-ENDED INTERGOVERNMENTAL WORKING GROUP ON TRANSNATIONAL CORPORATIONS AND OTHER BUSINESS ENTERPRISES WITH RESPECT TO HUMAN RIGHTS

1st Session, 6 to 10 July 2015, Palais des Nations, Geneva

National human rights institutions (NHRIs) are independent public bodies established at national level according to the United Nations (UN) Paris Principles with responsibility for promoting and protecting human rights.

The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) welcomes the opportunity to contribute to the First Session of the Open-Ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights (IGWG).

The ICC, reiterating its support for the UN Guiding Principles on Business and Human Rights (UNGPs), is concerned that, in spite of the Human Rights Council's unanimous endorsement in 2011 of the UNGPs, human rights abuses resulting from business activities continue in many contexts across the world, in particular in the context of the economic crisis.

While welcoming the increasing awareness and mobilization of all stakeholders, including NHRI, to implement the UNGPs, the ICC is concerned that measures taken by states and business-related human rights abuses remain pervasive.

Accordingly, the ICC reiterates its call for all states, transnational corporations, and other business enterprises to scale up their efforts by an order of magnitude to meet their respective duties and responsibilities in accordance with the UNGPs.

Noting the adoption of HRC Resolution 26/L.22/Rev.1, NHRIs are willing to participate constructively in the process of the IGWG to elaborate an international binding instrument on business and human rights. In this context, the ICC would like to emphasize the following:

- Proposals for a legal instrument on business and human rights should be grounded on facts-based evidence demonstrating practical value to human rights protection and fulfilment.
- A binding instrument on business and human rights should be built on the UNGPs and be complementary to current efforts at the national, regional, and international levels in implementing said principles. In particular, a new instrument should strengthen the implementation of national action plans. NHRIs in a number of countries are already contributing to national action plan processes.
- The elaboration of an international legally binding instrument should be a process simultaneous to the integration of the UNGPs into relevant international texts and agreements.
- In the experience of NHRIs, a significant part of business-related human rights abuses arise in relation to enterprises operating mostly domestically. We therefore call on Member States to broaden the discussion to include not only transnational corporations but equally the broad range of business enterprises operating domestically.
- We encourage the IGWG to adopt and outline a process which is transparent, inclusive, and participatory for all stakeholders including states, employers' and trade unions' organizations, business, NHRIs, and civil society, ensuring broad representation of rights-holders with particular emphasis on marginalized groups and affected communities. We recommend involving, consulting, and informing civil society as partner stakeholder in the process of elaborating an international legally binding instrument.

Recent progress in the area of business and human rights has been built on a carefully crafted international consensus, which must not be jettisoned. We call on all Member States to safeguard this consensus while taking the necessary steps to protect human rights in the context of business activities, whether private or public.