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Outcome of the fourth session of the Working Group on the issue of human rights and transnational corporations and other business enterprises

I. Outcome of the fourth session of the Working Group

1. The Working Group on the issue of human rights and transnational corporations and other business enterprises held its fourth session from 11 to 15 February 2013, in Geneva.
2. The Working Group discussed its programme of work and activities for 2013, forthcoming country visits and regional consultations, forthcoming reports, follow-up to the 2012 Forum on Business and Human Rights, preparations for the 2013 Forum and its engagement with partners. The Working Group held meetings with the International Labour Organization (ILO), the United Nations Conference on Trade and Development (UNCTAD), the Committee on the Elimination of Racial Discrimination, the Council of Europe and the International Organization for Standardization. It held a meeting with interested member States and held an open consultation with all stakeholders on its forthcoming thematic report to the General Assembly.

II. Engagement with partners and stakeholder organizations

3. The Working Group continued its dialogue with the ILO secretariat and pledged to deepen synergies and collaboration on joint initiatives to ensure coherence of efforts in relation to business and human rights. Specific opportunities for collaboration included the Working Group survey of States and business enterprises on the implementation of the Guiding Principles on Business and Human Rights; country visits of the Working Group and Working Group thematic reports; the capacity-building of stakeholders on the Guiding Principles and underlying ILO core standards; and the integration of the Guiding Principles into the work of ILO.
4. The Working Group continued its dialogue also with the UNCTAD secretariat with regard to deepening collaboration – including in relation to Working Group country visits – and further integrating the Guiding Principles into the work of UNCTAD. Specific opportunities for integration include its work on investment policies for sustainable development and building the capacity of countries in incorporating the UNCTAD framework into investment agreements. Further opportunities for collaboration and the dissemination of the Guiding Principles included its work on corporate social responsibility in specific value chains and in export processing zones, as well as its engagement with the private sector on corporate social responsibility.
5. The Working Group engaged with the Committee on the Elimination of Racial Discrimination and explored possible opportunities for cooperation in the area of business and human rights. The issues raised during the exchange with members of the Committee included preventing and addressing discrimination against indigenous peoples, migrant workers and women in minority groups, and enhancing access to effective remedy for such groups when rights have been negatively affected by business activities.
6. The Working Group met with the Council of Europe secretariat and was briefed on developments relating to business and human rights, including the recent decision by the Committee of Ministers to issue a declaration of support for the Guiding Principles and to elaborate a non-binding instrument to address gaps in their implementation in Europe. The Working Group offered to collaborate and engage with the Council in this process, and encouraged the Council to integrate and disseminate the Guiding Principles throughout its work on corporate social responsibility and engagement with the private sector.
7. The Working Group met with the International Organization for Standardization secretariat on possible joint efforts to ensure that the Guiding Principles and human rights due diligence are integrated into the work of the Organization to promote the ISO 26000

standard on social responsibility. The Working Group agreed to continue to engage thereon, and further discussed possibilities of feeding experiences and lessons learned from companies that have implemented the human rights chapter of ISO 26000 into the Working Group's activities to promote the implementation of the Guiding Principles.

8. The Working Group held a meeting with the Group of Friends of Business and Human Rights, comprising interested Member and observer States of the Human Rights Council, and outlined its planned programme of activities for 2013. The Working Group invited all States to inform it on national and regional initiatives to disseminate and implement the Guiding Principles, and to share experiences and lessons learned from such initiatives with the Working Group and with other States and stakeholders.

III. Open consultation on the thematic report of the Working Group to the General Assembly

9. The Working Group discussed its approach to the thematic report to the General Assembly on the implementation of the Guiding Principles in the context of business activities that have an impact on indigenous peoples, and held an open consultation with stakeholders thereon on 14 February 2013. The open consultation was attended by 80 stakeholder representatives, who made suggestions to the Working Group about the scope and content of the report. The Working Group reiterated its call for written submissions for the report by 1 March.

10. The Working Group emphasized that it would approach the drafting of the report through the lens of the Guiding Principles. It also emphasized that it would build on current and previous work carried out in the field by the Special Rapporteur on the rights of indigenous peoples, the Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues, as well as on work done by other United Nations bodies, States, business enterprises, indigenous peoples organizations, civil society organizations and other relevant stakeholders. The Working Group indicated that it would carry out additional consultations in different regions to inform the preparation of the report. The Working Group emphasized that it would address all aspects of the Guiding Principles in relation to this thematic area, with a particular focus on effective access to remedies for indigenous peoples when facing negative effects on human rights linked to business activities.

IV. Upcoming country visits

11. The Working Group published information on its forthcoming confirmed country visits on its webpage.¹ As at February 2013, missions to the United States of America and to the Russian Federation had been confirmed for 2013, with the possibility of an additional visit in 2013 to be confirmed.

V. 2013 Forum on Business and Human Rights

12. The Working Group discussed initial preparations for the 2013 Forum on Business and Human Rights. The Working Group aims to repeat the success of the first Forum and to draw on the broad participation of all relevant stakeholder groups.

¹ www.ohchr.org/EN/Issues/Business/Pages/WGCountryVisits.aspx.

13. The Working Group intends to adjust the 2013 Forum programme based on lessons learned and feedback from participants of the 2012 Forum, while being conscious that different stakeholder groups may have diverging expectations. The Working Group aims to enhance the geographical balance and participation of key stakeholders from all regions, including business enterprises. It will continue to engage closely with stakeholders through an open, online consultation on themes and formats for the 2013 Forum.

14. The Working Group will further engage with stakeholders at the regional level to seek perspectives and lessons learned on existing practices, trends, challenges and opportunities with regard to the dissemination and the implementation of the Guiding Principles, information that will be used in the 2013 Forum.

VI. Chairperson and Vice-Chairperson

15. At the end of the fourth session, Pavel Sulyandziga was appointed Chairperson and Alexandra Guáqueta Vice-Chairperson of the Working Group.
