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HUMAN RIGHTS COUNCIL  
Eighth session  
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,  
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING  
THE RIGHT TO DEVELOPMENT**

**Joint written statement\* submitted by Stichting Oxfam International (OI), a non-governmental organization in general consultative status, ActionAid International, Amnesty International (AI), EarthRights International, International Commission of Jurists (ICJ), International Federation of Human Rights Leagues (FIDH), Human Rights Watch (HRW), Tides Center, non-governmental organizations in special consultative status, Friends of the Earth International (FOEI) and Women's Environment and Development Organization (WEDO), non-governmental organizations on the Roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 May 2008]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

**A follow-on mandate on Human Rights and Transnational Corporations and other Business Enterprises<sup>1</sup>**

We thank the Special Representative of the Secretary-General on Human Rights and Transnational Corporations and other Business Enterprises (SRSG) for the extensive work done to produce his third report. The report emphasizes three key principles: the state duty to protect, the corporate responsibility to respect, and access to remedies for victims. We appreciate the emphasis given in the report to the state duty to protect human rights in the context of corporate activity, and the recommendation for urgent action by governments to fulfil this duty, particularly in light of escalating reports of business-related human rights abuses. We also welcome his confirmation of the corporate responsibility to respect *all* human rights, and the corresponding requirement for concrete action by companies to discharge this duty. As work carried out under his mandate (and annexed to his report) confirmed, allegations of abuse by business affect all human rights and all business sectors, and arise in all parts of the world. The SRSG's report also recognizes the inadequacy of existing mechanisms to address business-related abuses and ensure justice for the victims.

We agree with the SRSG that the “*international community is still in the early stages of adapting the human rights regime to provide more effective protection to individuals and communities against corporate-related human rights harms*”. It is therefore imperative that this issue remains on the United Nations (UN) human rights agenda, and we urge the Human Rights Council (HRC) to establish a follow-on mandate on business and human rights that builds on what has been so far achieved, clearly relates it to the realities faced by those who are directly affected, and helps to chart a way forward that will give results for those facing abuses.

While we consider that the broad framework of “protect, respect, and remedy” is valuable and merits further attention by the HRC, we would wish to underline the importance of undertaking complementary work to ensure that the views and experiences of those affected by business-related abuses more fully inform the effort to identify appropriate solutions.

**In defining the scope of a follow-on mandate we therefore urge the HRC to broaden the focus beyond the elaboration of the “protect, respect, and remedy” framework, and to include an explicit capacity to examine situations of corporate abuse.** A more in-depth analysis of specific situations and cases is needed in order to give greater visibility and voice to those whose rights are negatively affected by business activity and to deepen understanding of the drivers of corporate human rights abuses. Both elements should underpin the elaboration of the framework and proposed policy responses. For example, the modalities of corporate impunity and its impact on the enjoyment and protection of human rights need greater scrutiny as an integral part of the effort to identify solutions. A cornerstone of human rights is combating impunity. To date the mandate has placed relatively little emphasis on the means of holding companies - including those that operate trans-nationally – to account. **But for victims of human rights violations, justice and accountability can be as important as remedial measures.**

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<sup>1</sup> Rights and Accountability in Development (RAID) also shares the views expressed in this statement.

Broadening the scope of the mandate to include the capacity to reflect more fully on instances of business abuse is, we believe, vital to ensuring the proposed framework is robust and credible and also that other critical recommendations are identified by the mandate. This in turn is critical to ensuring the work of the mandate can better aid states, companies, and the UN to effectively prevent violations involving companies and hold those responsible to account.

Finally, we urge the HRC to ensure that the complex issue of business and its impact on human rights remains a Council priority. While it is important to build on proposed policy-based solutions, this focus should not close doors to other necessary analysis and action at the UN level, including, ultimately, the need for clear global standards adopted by governments.

We thank the HRC for its attention to this matter.

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