



# General Assembly

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**Human Rights Council**  
**Working Group on the issue of human rights and transnational corporations and other business enterprises**  
**Eighteenth session**  
Geneva, 25-29 September 2017

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

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## I. Summary

1. The Working Group on the issue of human rights and transnational corporations and other business enterprises held its eighteenth session in Geneva, Switzerland from 25 to 29 September 2017.
2. During the session, the Working Group convened meetings and discussions on the following:
  - (a) The Working Group's priorities and projects for 2018;
  - (b) An open consultation meeting with States and intergovernmental organizations, business associations, and civil society organizations, on the role of economic diplomacy tools to promote business respect of human rights;
  - (c) An expert consultation meeting about the Working Groups' project to unpack the gender dimension of the Guiding Principles on Business and Human Rights (UNGPs);
  - (d) Organization of the sixth annual Forum on Business and Human Rights in Geneva, Switzerland from 27 to 29 November 2017; and plans for regional forum and consultations;
  - (e) Media and other outreach measures;
  - (f) Other Working Group projects and meetings, including its 2018 country visits; and the Working Group's reports to the Human Rights Council and the General Assembly;
  - (g) The Working Group also held meetings with staff of the Office of the High Commissioner for Human Rights (OHCHR), the Committee on Economic, Social and Cultural Rights, OECD, ILO, WEF, member states, civil society organisations, and business associations.
3. The present report summarizes some of the key items discussed.

## II. Working Group priorities and projects for 2018

4. The Working Group discussed its priorities for country visits during 2018 and the coming years, with a particular interest in visiting countries in Africa and Asia during 2018 and 2019, in line with its regionally balanced approach.
5. The Working Group continued its discussions concerning its priorities for 2018, particularly its focus on issues related to gender and women's rights, human rights defenders, state-business nexus, human rights due diligence, national action plans on business and human rights (NAPs), and the mainstreaming of the UNGPs into the 2030 agenda for sustainable development and into international investment agreements.
6. The members also discussed their last two country visits to Canada and Peru, on which it would report to the Human Rights Council in June 2018.
7. The Working Group also discussed its work on communications.
8. The Working Group members provided updates on the meetings and outreach they have undertaken since the Working Group's seventeenth session, including participation in:
  - "Regional Workshop on Business and Human Rights: Moving ahead with National Action Plans in ASEAN" organized by the ASEAN Intergovernmental Commission on Human Rights (AICHR), Ministry of Justice of Thailand, UNDP, ASEAN CSR Network and UNESCAP, Bangkok, 1 June 2017.
  - "Roundtable for Policy Makers on Responsible Business Conduct" organized by OECD, including joint session between OECD and the Working Group on National Action Plans, and OECD Global Forum on Responsible Business Conduct Paris, 28 June 2017.

- OECD Global Forum on Responsible Business Conduct Paris, 29-30 June 2017.
- Conference on “Sustainable Development Goals and Human Rights”, organized by the German Federal Ministry for Economic Cooperation and Development and Ruhr-University Bochum’s Institute for Development Research and Development Policy, Bonn, 6-7 June 2017.
- Panel discussion at Thun Group of Banks Annual Meeting, Thun, Switzerland, 19 June 2017.
- Roundtable on “Addressing Due Diligence in Supermarket Supply Chains”, organized by Supply Challenge, Brussels, 20 June 2017.
- Roundtable Discussion Shrinking Spaces in Natural Resource Struggles Patterns, Dynamics and Response Strategies organized by Heinrich Böll Stiftung and European Center for Constitutional and Human Rights, Berlin, 21 June 21, 2017.
- Plenary session on “Moving for Convergence on Business and Human Rights” at 30<sup>th</sup> LAWASIA Conference, organized by the Law Association for Asia and the Pacific and the Japan Federation of Bar Associations, Tokyo, 21 September 2017.
- Seminar and Launch of OECD Guidance on Responsible Business Conduct for Institutional Investors hosted by the OECD National Contact Point, Oslo, Norway 12 September 2017.
- OECD ECA Environmental and Social Practitioners Meeting in Svalbard, Norway, 13-15 September 2017.

9. The Working Group discussed how it could further extend its outreach through media and social networks and to not only target English-speaking audience but aims to attract a more geographically balanced public.

### **III. Reports to the Human Rights Council and the General Assembly**

10. The Working Group discussed its thematic report to the General Assembly at its 72<sup>th</sup> session focusing on the access to remedy as well as the thematic report to be presented to the General Assembly at its 73<sup>rd</sup> session in 2018. The latter would focus on good practices and lessons learned in the area of human rights due diligence by businesses.

11. The Working Group discussed its report to the Human Rights Council at its 38<sup>th</sup> session (June 2018) which will focus on the State-business nexus, identifying good practices of integrating human rights in the operation of “economic diplomacy tools” (export credit, investment guarantees, export promotion and trade missions).

### **IV. The sixth annual Forum on Business and Human Rights and Regional Forum and consultations**

12. The sixth annual Forum focuses on the third pillar of the Guiding Principles (access to remedy for rights holders affected by business-related human rights abuses) addressing all three types of mechanisms covered in the Guiding Principles: state-based judicial mechanism, state-based non-judicial mechanisms and non-state-based grievance mechanisms. The Working Group discussed the sessions of the Forum and ways to facilitate action-oriented discussions.

13. The Working group discussed two post forum events to be held on 30 November: an open multi-stakeholder consultation meeting focusing on human rights defenders and civil space, and an open multi-stakeholder consultation on the gender dimension of the Guiding Principles.

14. Stressing the importance of the increased participation of stakeholders from the Global South, the Working Group explored ways to raise funds to sponsor the travel of participants.

15. The Working Group discussed its plans for regional consultations and forums. The Working Group would convene a regional consultation on national action plans and public policies on business and human rights in Chile, from 12 to 14 December 2017, jointly with the OHCHR Regional Office for South America. The Working Group would also continue its efforts to raise funds to convene a regional forum on business and human rights in Eastern Europe, following on from the regional forums convened by the Working Group in 2013 (Latin America and Caribbean), 2014 (Africa), 2016 (Asia).

## V. Meetings and briefings with stakeholders

16. The Working Group held meetings with OHCHR staff and received updates on the OHCHR Accountability and Remedy Projects I and II, focusing respectively on ways to enhance the effectiveness of judicial mechanisms and of State-based non-judicial mechanisms in cases of business-related human rights abuse; and on the database of business enterprises in accordance with Human Rights Council resolution 31/36.

17. The Working Group met with the Ambassador of Ecuador concerning the Working Group's engagement with the treaty process and participation in the third session of the open-ended intergovernmental working group on transnational corporations and other business enterprises to be held from 23 to 27 October 2017.

18. The Working Group also met with the Ambassador of Chile with regard to the participation of Chile in the annual Forum on Business and Human Rights.

19. The Working Group held a meeting with the Member States in order to inform them on the last country visits to Peru and Canada and on the reports to the Human Rights Council and the General Assembly. The Working Group also shared information on its projects and priorities for 2018 and drew attention to its 10 key recommendations to states and businesses to embed human rights and business in the 2030 sustainable development agenda.<sup>1</sup>

20. The Working Group also reached out to all regional groups and held separate meetings with representatives of permanent missions of GRULAC and WEOG to inform them on projects and priorities of the Working Group and hear updates from Member States on actions in the area of business and human rights.

21. The Working Group met with the members of the Committee of Economic, social and cultural rights to explore opportunities for collaboration, including in the context of the Committee's recent General Comment No. 24 on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities.<sup>2</sup> The members of the Committee and the Working Group highlighted the complementary and reinforcing character of their mandates and the importance of close collaboration.

22. On 25 September, the Working Group held an expert consultation entitled the "Gender Lens to the UN Guiding Principles on Business and Human Rights". The expert consultation was a starting point for the Working Group's project to unpack the gender dimension of the Guiding Principles. This project would aim at: (i) raising sensitivity amongst all stakeholders about the need to adopt a gender lens to implement the Guiding Principles; (ii) developing guidance to assist both States and business enterprises with practical recommendations for what it means to protect, respect and remedy the rights of women in a business context in line with the Guiding Principles; (iii) bringing together various agencies, institutions and actors working in the business and human rights field to explore ways to empower women who are at-risk or have been adversely affected by business-related human rights abuses. This expert consultation would be followed by an open multi-stakeholders consultation on 30 November 2017 in Geneva and a number of

<sup>1</sup> [http://www.ohchr.org/Documents/Issues/Business/Session18/InfoNoteWGBHR\\_SDGRecommendations.pdf](http://www.ohchr.org/Documents/Issues/Business/Session18/InfoNoteWGBHR_SDGRecommendations.pdf).

<sup>2</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/GC/24&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/GC/24&Lang=en).

consultations in other world regions. Drawing on these consultations, the Working Group would prepare draft guidance on the gender dimension of the Guiding Principles to be presented to the Human Rights Council in 2019.

23. On 28 September, the Working Group convened an open consultation meeting with States and intergovernmental organizations, business associations, and civil society organizations, to consult on the role of economic diplomacy tools to promote business respect for human rights. During the consultation, participants gave information concerning good practices focused on topics such as the granting of export credit, selection of businesses for trade missions, human rights and labour issues in export processing zones to create incentives for business to respect human rights.

24. The Working Group held separate meetings with representatives of the ILO, OECD and the World Economic Forum to update each other on planned activities and explore opportunities for collaboration.

25. The Working Group held a consultation with civil society organizations, focused on the SDGs and the linkages with the business and human rights agenda. The meeting also provided an opportunity for civil society organizations to highlight specific topics and cases with the Working Group, and for the Working Group to share details of its 2018 work plan.

26. The Working Group held a consultation with representatives of a number of business associations. The Working Group informed about their recent activities and statements and presented their projects for 2018. In turn, the business associations shared information on their activities and engagement in relation to business and human rights and the sixth annual forum on business and human rights.

## **VI. Chairperson and Vice-Chairperson**

27. Surya Deva served as Chairperson of the Working Group, and Anita Ramasastry served as Vice-Chairperson. Surya Deva will serve as Chairperson, and Anita Ramasastry will serve as Vice-Chairperson until 31 December 2018. For the period from 1 January to 30 June 2018, Anita Ramasastry will serve as Chairperson and Dante Pesce will serve as Vice-Chairperson.

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