

## **Human rights and transnational corporations and other business enterprises**

*The Human Rights Council,*

*Recalling* Human Rights Council resolutions 8/7 of 18 June 2008, 17/4 of 6 July 2011 and 21/5 of 16 October 2012 and Commission on Human Rights resolution 2005/69 of 20 April 2005 on the issue of human rights and transnational corporations and other business enterprises, (as in 17/4 – updated)

*Recalling* in particular that the unanimous endorsement of the United Nations Guiding Principles for Business and Human Rights in the Human Rights Council resolution 17/4 established an authoritative framework to prevent and address adverse human rights risks and impacts of business activities, based on the three pillars of the United Nations “Protect, Respect and Remedy” framework.

*Recalling* also Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto, (as 17/4, including titles of resolutions)

*Stressing* that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State, (as 17/4)

*Emphasizing* that transnational corporations and other business enterprises have a responsibility to respect human rights, (as 17/4) and acknowledging the role initiatives led by business and other stakeholders can play in enabling business to meet this responsibility.

*Recognizing* that policies and proper regulation, including through national legislation, of transnational corporations and other business enterprises, and their responsible operation can contribute to the promotion, protection and fulfilment of and respect for human rights and assist in channelling the benefits of business towards contributing to the enjoyment of human rights and fundamental freedoms, (as 17/4)

*Concerned* that weak national legislation and implementation cannot effectively mitigate the negative impact of globalization on vulnerable economies or derive maximally the benefits of activities of transnational corporations and other business enterprises and that further efforts to bridge governance gaps at the national, regional and international levels are necessary, (as 17/4 with deletion of repetitive language)

*Recognizing* efforts to implement of the UN Guiding Principles for Business and Human Rights by some business enterprises, States, international organisations and civil society.

*Noting* the important role that national action plans on business and human rights can play as a tool for promoting the comprehensive and effective implementation of the Guiding Principles on Business and Human Rights.

*Concerned* about legal and practical barriers to remedies for business-related human rights abuses which may leave those aggrieved without opportunity for effective remedy, including through judicial and non-judicial avenues, and recognizing that it may be further considered whether relevant

legal frameworks would provide more effective avenues of remedy for impacted individuals and communities.

Recognizing that the annual Forum on Business and Human Rights has grown in size and become a valuable opportunity for constructive global exchange of challenges, lessons learned and good practice in implementing the Guiding Principles by all relevant stakeholders.

*Recognizing* the importance of building capacity of Governments, business enterprises, civil society and other stakeholders to better prevent abuses, provide effective remedy and manage challenges in the area of business and human rights, and that the United Nations system has an important role to play in this regard. (parts of 21/5 PP 7)

1. *Welcomes* the work of the Working Group on human rights and transnational corporations and other business enterprises in the fulfilment of its mandate, including the convening of regional forums to discuss challenges and lessons learned from implementation of the Guiding Principles with States and other stakeholders in a regional context.
2. *Recognizes* that effective implementation of the Guiding Principles should cover a broad range of public policy areas, and encourages all States to take steps to implement the UN Guiding Principles, including to develop national action plans for implementation of the Guiding Principles,
3. *Welcomes* the efforts of the Working Group to build a database of national action plans and other relevant data on global progress of the implementation of the Guiding Principles, and in this regard encourages States to submit information on their national action plans and other relevant initiatives, with annual reports on implementation of such commitments, and invites all relevant stakeholders to submit relevant information to the Working Group.
4. *Welcomes* the efforts of the Working Group to develop guidance for the development and implementation of effective national action plans, including as it relates to access to both judicial and non-judicial remedy, and encourages all States and other stakeholders to engage with the Working Group in developing such guidance.
5. *Encourages* the Working Group to identify and promote best practices in national implementation of the Guiding Principles and reflect findings, including on global progress on the implementation of the Guiding Principles, in its annual reports to the Human Rights Council.
6. *Recognizing* the benefit of clarifying issues regarding legal and practical barriers to remedies, *requests* the High Commissioner for Human Rights to launch an inclusive and transparent consultative process with States and all relevant stakeholders to explore and facilitate the sharing of legal and practical measures to improve access to remedy, judicial and non-judicial, for victims of business related abuses, (including by organizing a dedicated discussion regarding benefits and limitations of legally binding instruments to improve access,<sup>i</sup>), and present a report to the 32th session of the Human Rights Council, taking into account the work done so far.
7. *Welcomes* the Working Group's role in guiding the first two annual Forums on Business and Human Rights, encourages all stakeholders to continue to attend the Forum, and *decides* that the two-day Forum should continue to be held on an annual basis with the addition of one meeting day to allow for preparation and sharing of new tools and experience.

8. *Decides* to include as an item of the agenda of the Forum on Business and Human Rights the issue of access to remedy, judicial and non-judicial, for victims of business related human rights abuses, to achieve more effective access to judicial remedies.
9. *Decides* to extend the mandate of the working group on the issue of human rights and transnational corporations and other business enterprises as set out in Human Rights Council resolution 17/4 for a period of three years.
10. *Encourages* all States, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors, including non-governmental organizations, as well as public and private businesses to cooperate fully with the Working Group in the fulfilment of its mandate by, inter alia, respond to communications transmitted, and for States to reply favorably to requests for visits by the Working Group; (A/HRC/17/4 OP 7 + new: “to communications transmitted”)
11. *Invites* international and regional organizations to seek the views of the Working Group when formulating or developing relevant policies and instruments; (A/HRC/17/4 OP 8)
12. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the resources and assistance necessary to the Working Group for the effective fulfilment of its mandate, including for consultations with States and other stakeholders in developing guidance for national action plans, and adequate for the organization of the Forum in a sustainable manner (first part is A/HRC/17/4 OP 9);
13. *Welcomes* the efforts undertaken by national human rights institutions to enhance their capacity to support effective implementation of the Guiding Principles by all stakeholders.
14. *Welcomes* the report of the UN Secretary-General on the challenges, strategies and developments with regard to the implementation of resolution 21/5 by the United Nations system, including programmes, funds and agencies (A/HRC/26/20) and its recommendations, underscoring the need to embed the business and human rights agenda and the Guiding Principles throughout the United Nations system.
15. *Welcomes* the study by the Secretary General on the feasibility of a global fund to enhance the capacity of stakeholders to implement the Guiding Principles, and requests the OHCHR to hold consultations with States and relevant stakeholders to develop concrete proposals to create such a fund presented in a report to the Human Rights Council’s 29<sup>th</sup> session.
16. *Emphasizes* the importance of stakeholder dialogue and analysis to maintain and build on the results achieved to date to prevent and address business related human rights abuses, and to inform further deliberations of the Human Rights Council on business and human rights; (A/HRC/RES/17/4 OP 5)
17. *Decides* to continue consideration of this question in conformity with the annual programme of work of the Human Rights Council.

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<sup>i</sup> The text in this parenthesis will be included provided that we have one resolution on Business and HR in this session.