

Conclusions of the hosts

To advance the implementation of the Business and Human Rights agenda of the European Union (EU) and its member states, European civil society and the Ministry of Foreign Affairs of the Netherlands jointly organised a multi-stakeholder conference on May 11th 2016.

The unanimous adoption by the UN Human Rights Council of the UN Guiding Principles on Business and Human Rights (UNGPs) was a milestone achievement. Five years on, despite the progress achieved by many governments and companies, business-related human rights abuse is still a serious problem. Further implementation of the UNGPs and related instruments is necessary, within the EU and with respect to EU companies doing business outside the Union. Special emphasis is needed on access to remedy and justice for victims of business-related abuses.

The EU has the potential to be an international game-changer when it comes to business and human rights. It also has a specific responsibility, because of the large numbers of European companies involved in global value chains. To fulfil this responsibility, all EU member states should develop National Action Plans (NAPs) to implement the UNGPs and the EU should facilitate peer learning on NAPs. A coherent strategy to implement the UNGPs at EU level is also needed. This strategy could be integrated into the EU Action Plan on Responsible Business Conduct that is under development.

Business and human rights policies at national and EU level should be developed, monitored and implemented with the participation of relevant stakeholders. They should cover all three pillars of the UNGPs, and give particular consideration to lowering barriers for access to effective remedy. The EU and member states should consider applying a smart mix of measures to foster business respect for human rights throughout their operations. The following measures could be envisaged:

- The EU and member states should take steps to remove legal, procedural, and institutional barriers that prevent victims of business-related human rights abuse from gaining access to judicial remedy in both transnational and domestic cases. The Council of Europe Recommendation on Human Rights and Business provides useful guidance in this regard.
- The EU and member states should strengthen access to non-judicial remedy, including strengthening the capacity of OECD National Contact Points within as well as outside the EU.
- The EU and member states should promote human rights due diligence by the private sector. This entails clarifying what is expected as a minimum standard, as well as explaining how companies can raise their ambition. Different instruments to promote due diligence can be considered, including multi-stakeholder agreements with specific (high-risk) sectors, as well as reforms of tort/civil law and company law. Additional efforts are needed when the EU or member states support or procure from companies.
- The EU should acknowledge the integral importance of the UNGPs to achieving the Global Goals (GGs) for Sustainable Development. The first and essential step for all companies in contributing to the GGs must be to 'do no harm' to people and planet. The UNGPs should be integrated into financing of the GGs, including through public-private partnerships. The EU should also support integration of the UNGPs into national development plans.
- The EU and member states must honour their human rights commitments including under the UNGPs in the context of public procurement. They should further develop law, policy, guidance, and training resources on public procurement and human rights to this end.
- The EU and member states should complement their efforts to implement the UNGPs with engagement in processes aimed at enhancing the international normative and legal framework, such as those initiated within the ILO, the OECD, the Council of Europe and the UN.
- Transparency is critical in enabling markets and society to recognise, incentivise and reward respect for human rights by companies. The EU and member states should include due diligence information in reporting requirements such as the Non-Financial Reporting Directive, for example by using reporting standards involving the concept of salient human rights risks.
- Pressure on companies to focus on short-term financial results should be mitigated, in order to promote respect for human rights and sustainability as factors in business decisions.
- Stronger engagement with businesses operating in conflict-affected areas is necessary to prevent and address business-related human rights abuse and to promote accountability.
- Implementation and monitoring of the Trade and Sustainable Development provisions in EU trade agreements should be improved.