

- 47th session of the Human Rights Council
- PANEL ON TENTH ANNIVERSARY OF GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS
- Joint oral statement¹
- 29 June 2021

Delivered by: Alexa LeBlanc

At tenth anniversary of UNGPs, civil society calls for robust international binding norms

Madam President,

In its first decade of implementation the Guiding Principles have played an invaluable role in setting the international agenda, becoming the international reference standard for business and human rights. However, achieving accountability for business-related human rights abuses is still a work in progress.

Changes in corporate behaviour have occurred at a deceptively slow pace, contrasting with the urgent and accelerating needs of a global society that is undergoing deep social, environmental and economic crises. While States and businesses have begun to implement the framework to prevent and address business-related harms to people and the planet, commitments have largely remained on paper. FIDH and its member organisations' experience over these 10 years shows that :

- human rights and environmental violations by economic actors not only have continued but have worsened, adversely impacting in particular vulnerable sectors including indigenous peoples, peasants, woman and children amongst other

¹ Cairo Institute for Human Rights (Egypt), International Federation for Human Rights, Ecológica (Ecuador), Altsean-Burma (Myanmar), Al-Haq (Palestine), Asociación Pro Derechos Humanos (Spain), Association Marocaine des Droits Humains (Morocco), Bir Duino (Kyrgyzstan), Centro de Políticas Públicas Perú Equidad (Peru), China Labour Bulletin (China), Civil Society Institute (Armenia), Covenants Watch Taiwan (Taiwan), Finnish League for Human Rights (Finland), Foundation for Human Rights Initiative (Uganda), Human Rights in China – HRIC (China), Justice for Iran – JFI (Iran), Justiça Global (Brazil), Liga voor de Rechten van de Mens (Netherlands), Ligue Burundaise des droits de l'homme Iteka (Burundi), Ligue des Droits de l'Homme – LDH (France), Manushya Foundation (Thailand), Mêmes Droits pour Tous – MDT (Guinea), Mwatana for Human Rights (Yemen), Observatorio Ciudadano (Chile), Organisation guinéenne de défense des droits de l'homme et du citoyen- OGDH (Guinea), Organisation Marocaine des Droits Humains (Morocco), People's Watch (India), Romanian League for Defence of Human Rights (Romania), Suara Rakyat Malaysia – SUARAM (Malaysia), Taiwan Association for Human Rights – TAHR (Taiwan), and We Women Lanka (Sri Lanka)

- criminalization of human rights defenders in the context of business operations worldwide has increased;
- rights-holders continue to face the same barriers in access to justice and to full redress;
- civil society participation in the adoption of public and business policies has been limited; and
- most commitments are not followed by concrete corporate and State action or by inclusive stakeholder engagement.

While it is true that the Guiding Principles' standard setting role has been undeniable, the voluntary nature of the UNGP have proven insufficient to generate a systemic change and drive the much needed business model transformation for a more sustainable world. As this transformation cannot await, our organizations call for a more concrete and ambitious road-map that places access to justice and a set of solid international binding norms as key steps towards accountability and redress.

Only very recently has the business responsibility to respect started to morph into concrete legal obligations. While a few recently adopted national laws on corporate human rights and environmental due diligence in supply chains may reduce the accountability gap, the nature of legal obligations and liability regimes will need to be carefully calibrated and further clarified to guard against unintended consequences of a "check box" due diligence that could shield companies from accountability while preventing victims from obtaining effective remedies.

Recently, groundbreaking judicial decisions have shown the potential of the existing legal frameworks, however we observe that corporate capture of the State remains the biggest hurdle to effective remedy and systemic changes. It will require going above and beyond what has been done until now to overcome it. In 2012 after the adoption of the UNGPs, FIDH members already expressed their concerns about the limitations of soft law instruments and their operationalization in a context where the tensions between the protection of human rights and the economic model were already latent. Now, 10 years later, it is time for the UNGPs to address this imbalance to concretely contribute to prevent and redress corporate abuses and effectively protect human rights.