

ENNHRI Intervention CDDH meeting 21 June 2018
Agenda item: Online platform for Human Rights and Business

The European Network of National Human Rights Institutions (ENNHRI) Working Group on Business and Human Rights (WG BHR) includes National Human Rights Institutions (NHRIs) of Armenia, Croatia, Denmark, Finland, France, Georgia, Germany, Great Britain, Netherlands, Northern Ireland and Scotland.

ENNHRI brings the following information to attention of the CDDH:

1. The role and mandate of NHRIs in the area of business and human rights is recognised inter alia by
 - The [ICC Edinburgh Declaration of 2010](#) and [ENNHRI Berlin Action Plan](#) of 2012
 - The [UN Guiding Principles on Business and Human Rights](#) (UNGPs), endorsed unanimously by UN Human Rights Council (UNHRC) in 2011
 - Repeated resolutions of the UNHRC on business and human rights¹
 - Council of Europe (COE) [Recommendation CM/Rec\(2016\)3](#) of the Committee of Ministers to Member States on business and human rights
 - During 2013-2016, the ENNHRI WG BHR actively participated in the drafting group (CDDH CORP) of COE Committee of Ministers and contributed to the Declaration and Recommendation on BHR that resulted
2. We warmly welcome the [Declaration of the Committee of Ministers on the UN Guiding Principles on business and human rights](#) from 2014, and Recommendation CM/Rec (2016)3 as important milestones towards effectiveness of human rights in context of business activities in Europe.
3. Since 2016 ENNHRI's member institutions have been at the forefront of efforts to promote awareness and implementation of the COE Declaration and Recommendation, including:
 - Hosting (with the Danish Government) and participating in a major international multi-stakeholder Workshop on the Recommendation in Copenhagen in December 2016, which concluded in several recommendations to the COE, member states and other stakeholders²
 - Participating in the COE High-Level seminar on BHR in Strasbourg in June 2017³
 - Hosting (together with the Scottish Government) and participating in an international multi-stakeholder workshop on NAPs in Europe in June 2018 in Edinburgh⁴

¹ See for example, [Resolution adopted by the Human Rights Council on 22 June 2017](#), A/HRC/RES/35/7

² <https://www.humanrights.dk/projects/business-human-rights-council-europe>

³ <https://www.coe.int/en/web/human-rights-rule-of-law/-/high-level-seminar-on-human-rights-and-business>

⁴ <https://www.ioe-emp.org/events-details/article/scottish-governement-workshop-securing-sustainable-and-accountable-business-in-europe-the-role-of/>

- Establishing an online platform providing information on European NAPs, as mentioned in the session note – www.globalnaps.org
 - Collaborating with the COE Conference of INGOs and participating in joint events in Strasbourg
 - Engaging with the COE Parliamentary Assembly Committee on Legal Affairs and Human Rights regarding the adoption of a Resolution on BHR
 - Supporting development of the HELP BHR programme and forthcoming COE Handbook on BHR
 - Engaging regularly with the COE Secretariat, including inviting them to participate in Copenhagen and Edinburgh workshops, and through meetings in Strasbourg.
 - In particular collaborating with the COE Secretariat to coordinate efforts with regard to the proposed online platform.
4. However, the ENNHRI Business and Human Rights Working Group has expressed concerns at persistent business related human rights abuses in the context of business activities in Europe including:
- human trafficking and modern slavery,
 - sexual violence and harassment especially in the workplace,
 - labour rights abuses including breaches of minimum pay requirements and trade union rights, with specific issues arising in connection with agency workers and workers employed through ‘umbrella companies’,
 - invasions of privacy and misuse of personal data,
 - discrimination in employment and access to services,
 - environmental degradation,
 - corporate tax evasion and avoidance with implications for realisation of human rights.

We regret the lack of implementation of sufficient human rights due diligence procedures within European companies, and express our concerns at other grave abuses, including attacks on human rights defenders, inside and beyond Europe that implicate European corporations.

5. We furthermore note that only 17 of the 47 (35%) CoE States have adopted National Action Plans (NAPs) on business and human rights as called for by the COE Recommendation⁵.
6. We also observe:
- poor awareness-raising of rights and remedies, and lack of human rights education related to business activity,
 - lack of analysis of widespread impact of business and corporations on rights of specific groups, in particular the rights of children, from marketing and advertising, through to ensuring that parents and caregivers have access to family-friendly working conditions,
 - persistent problems of weak accountability of duty-bearers in relation to business activities, for example, in the context of OECD National Contact Points in COE member states, as well as obstacles to remedy for victims as highlighted

⁵ Or specific business and human rights chapters within broader human rights NAPs in the case of Georgia.

in the COE Recommendation itself as well as recent reports by EU Fundamental Rights Agency (FRA)⁶ and European civil society organisations.

7. The ENNHRI Business and Human Rights Working Group members reiterate that European states should commit themselves to the UNGPs and align national law and practice with the UNGPs as well as the COE Recommendation.
8. Given this, we are concerned that financial resources needed to support the implementation of the Recommendation as envisaged have not yet been allocated, suggesting lack of political will (paras. 18, 23, 27).
9. If such resources are not forthcoming, regrettably the Recommendation will be a dead letter, and would undermine the credibility, at home and abroad, of the commitment of European states and COE to address abuses linked to business activity.
10. We again call for effective implementation of the COE Recommendation and its provisions for monitoring, reporting and review on NAPs, and draw attention to proposals included in the report of the 2017 Copenhagen workshop to support this objective.
11. Besides online platform and questionnaire previously envisaged, we strongly support the proposal at para.25 for workshops within the COE Region that would bring together relevant stakeholders and practitioners, including the private sector, with a strong focus on practical issues and solutions in the field of Business and Human Rights (para.25)
12. ENNHRI remains ready to cooperate to secure effective coordination of such efforts with existing initiatives including those of European NHRIs e.g.
 - The Danish Institute for Human Rights' (DIHR) website www.globalnaps.org
 - ENNHRI capacity building under [NHRI.EU project](#)
 - National level efforts on NAPs on business and human rights⁷, and exchanges of practices and expertise on implementation of NAPs amongst European NHRIs through online platforms and the ENNHRI Business and Human Rights Working Group.

ENNHRI, the European Network of National Human Rights Institutions, brings together 42 National Human Rights Institutions (NHRIs) from across wider Europe. ENNHRI's mission is to promote and protect human rights across the European region. ENNHRI supports the development of European NHRIs by: advising on the establishment and accreditation of NHRIs; coordinating the exchange of information and good practice between members; organising capacity building and training on NHRI methodologies and human rights; building solidarity between European NHRIs; providing support for NHRIs under threat and facilitating NHRIs' engagement with regional and international mechanisms.

⁶http://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-opinion-01-2017-business-human-rights_en.pdf

⁷ See for example the Scottish National Action Plan process, <http://www.snaprights.info/action-areas/better-world/business-and-human-rights>).