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## **20/06/2015: Diplomatic Conference on Business and Human Rights – the (EU) way ahead of multilateral action**

Seven years have passed since the publication of the report of the UN Special Representative on the issue of human rights and transnational corporations and other business enterprises (“the Special Representative”) entitled *Protect, Respect and Remedy: A Framework for Business and Human Rights*. Subsequently, in 2011, the UN Guiding Principles (UNGPs) were endorsed by consensus by the UN Human Rights Council. The UNGPs cover three pillars: (a) the duty of States to protect their citizens against human rights violations, including those committed by business entities; (b) the responsibility of such entities to respect human rights regardless of where they operate (taking into consideration business’s supply chain, though to a limited extent); and (c) the access to remedies for victims of human rights violations committed by business.

The positive reception of UN Guiding Principles have confirmed the importance of a concerted efforts in this area; efforts which prior to 2011 had repeatedly failed. The EU and its Member States took several initiatives for the implementation of the UNGP, in particular the development of National Action Plans on Business and Human Rights and the integration of the UNGP in the EU Corporate Social Responsibility Strategy, and guidance on specific sectors.

However, some countries and other actors have questioned the effectiveness of the non-binding UNGPs in helping to address violations of human rights, bringing back the proposal for more stringent international regulations on business and human rights. The creation of an Inter-Governmental Working Group charged with the "elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights" (Resolution 26/9 of June 2014) broke the consensus on business and human rights within the Human Rights Council.

The EU expressed serious reservations about this development and voted against the resolution, arguing that more efforts should be made by all States to implement the agreed framework of the UNGP instead of polarizing the debate and embarking on an ill-defined drafting process on a legally binding instrument. The first meeting of the Inter-Governmental Working Group will take place in July 2015.

It is the purpose of this conference to address the above outlined issues, by assessing firstly the state of play regarding business and human rights and the implementation of the UNGP and to discuss possible further actions to be undertaken to implement the UNGP as well as to explore options for further regulatory developments on Business and Human Rights.

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