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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Argentina, Australia, Austria, Bulgaria, Canada,* Chile, Croatia,* Czechia,
Denmark, Finland,* Germany, Ghana,* Greece,* Iceland,* Luxembourg,* Mexico,
Netherlands, Norway,* Paraguay,* Russian Federation,* Slovakia, Spain,
Switzerland,* Thailand,* Turkey* and United Kingdom of Great Britain and
Northern Ireland*:** draft resolution

44/...Business and human rights: the Working Group on the issue of human rights and transnational corporations and other business enterprises, and improving accountability and access to remedy

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and the Vienna Declaration and Programme of Action, and recalling also the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Taking note with appreciation of the adoption by the Governing Body of the International Labour Office in March 2017 of the revised Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, which takes into account, inter alia, the Guiding Principles on Business and Human Rights, as well as other instruments relevant to the promotion of the agenda of business and human rights,

Recalling General Assembly resolution 74/146 of 18 December 2019 on implementing the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms through providing a safe and enabling environment for human rights defenders and ensuring their protection,

Recalling also its resolutions 8/7 of 18 June 2008, 17/4 of 16 June 2011, 21/5 of 27 September 2012, 26/22 of 27 June 2014, 32/10 of 30 June 2016, 35/7 of 22 June 2017 and 38/13 of 6 July 2018, and Commission on Human Rights resolution 2005/69 of 20 April

* State not a member of the Human Rights Council.



2005, and noting Human Rights Council resolution 26/9 of 26 June 2014, all concerning the issue of human rights and transnational corporations and other business enterprises,

Recalling further the reports of the 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, and the recommendations made therein, underscoring the need to embed the business and human rights agenda and the Guiding Principles on Business and Human Rights throughout the United Nations system,

Recalling the adoption by the General Assembly, in its resolution 70/1 of 25 September 2015, of the 2030 Agenda for Sustainable Development, in particular paragraph 67 thereof,

Recalling also the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which contains a commitment to foster a dynamic and well-functioning business sector in accordance with relevant international standards and agreements, including the Guiding Principles on Business and Human Rights,

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

Stressing that the obligation and the primary responsibility to promote, protect and fulfil human rights and fundamental freedoms lie with the State,

Emphasizing that transnational corporations and other business enterprises have the responsibility to respect all human rights,

Recognizing the progress made and the continuing efforts to implement the Guiding Principles on Business and Human Rights by some States, business enterprises, international organizations, civil society and other relevant stakeholders, as well as the role of the United Nations Global Compact in, inter alia, promoting the Guiding Principles,

Noting that 2021 marks the tenth anniversary of the Guiding Principles on Business and Human Rights, which have contributed to greater understanding by States and business enterprises of their respective obligations and responsibilities to prevent and address business-related human rights abuses,

Taking stock of the progress made to date by States and businesses in the implementation of the Guiding Principles on Business and Human Rights, while acknowledging the remaining challenges they face in fulfilling their respective obligations and responsibilities to prevent and address business-related human rights abuses, and recognizing therefore the necessity of pursuing efforts for the implementation of the Guiding Principles,

Recognizing the relevance of the Guiding Principles on Business and Human Rights in the context of global crises, such as the coronavirus disease (COVID-19) pandemic, and the need for States to ensure responsible business conduct during the crisis and a resilient recovery,

Welcoming efforts by States to implement the Guiding Principles on Business and Human Rights and to encourage all business enterprises to carry out human rights due diligence, including with regard to human rights relating to the enjoyment of a safe, clean, healthy and sustainable environment and by conducting meaningful and inclusive consultations with potentially affected groups and other relevant stakeholders,

Recognizing the need to further enhance equality between women and men in the area of business, in particular with regard to multiple forms of discrimination and barriers in seeking access to effective remedies addressing the adverse impacts of business activities on women and strengthen efforts to enhance women’s equal opportunity and leadership,

Recognizing also the valuable role played by civil society, including non-governmental organizations, and national human rights institutions in promoting the implementation of the Guiding Principles on Business and Human Rights and accountability

for business-related human rights abuses and in raising awareness of the human rights impact and risks of business enterprises and activities,

Expressing concern at reports of intimidation against victims, witnesses and their legal representatives regarding cases of business-related human rights abuse, and emphasizing the need to ensure their safety,

Recognizing that the implementation of the Guiding Principles on Business and Human Rights includes implementation of the access to remedy pillar, and encouraging States to take appropriate steps to improve and encourage corporate accountability and access to remedy for victims of business-related human rights abuse,

Reaffirming that independent and effective judicial mechanisms are at the core of ensuring access to remedy, and calling upon States to provide effective and appropriate judicial and non-judicial grievance mechanisms, alongside judicial mechanisms, as part of a comprehensive State-based system for the remedy of business-related human rights abuses and to play a helpful role in raising awareness of or facilitating access to non-State-based grievance mechanisms, in line with the Guiding Principles on Business and Human Rights, as part of comprehensive efforts to provide remedy for business-related human rights abuses,

Recognizing that non-State-based grievance mechanisms administered by business enterprises, alone or with stakeholders, by industry associations or other multi-stakeholder initiatives may offer, in particular when aligned with the Guiding Principles on Business and Human Rights, such benefits as speed of access and remediation and reduced costs,

Noting the role that national action plans and other such frameworks on business and human rights can play as tools for promoting the comprehensive, coherent and effective implementation of the Guiding Principles on Business and Human Rights,

Recognizing the shared interest of business, States and civil society in an environment that is pluralistic and non-discriminatory, upholding the rule of law and promoting transparency, and that responsible business enterprises benefit from and depend upon legal certainty, transparency and predictability, and fair and effective domestic judicial mechanisms,

Recalling the role of the Working Group on the issue of human rights and transnational corporations and other business enterprises in promoting the effective implementation of the Guiding Principles on Business and Human Rights and exploring options for enhancing access to effective remedies,

Welcoming the convening by the Working Group of a global consultation on the role of national human rights institutions in facilitating access to remedy for business-related human rights abuses, pursuant to resolution 38/13,

Recognizing that the annual Forum on Business and Human Rights has become one of the world's most important multi-stakeholder gatherings to promote dialogue and cooperation on business and human rights, including with respect to challenges faced in particular sectors, operational environments or in relation to specific rights or groups, as well as in identifying trends, challenges, good practices and lessons learned,

Recognizing also the importance of building the capacity of Governments, business enterprises, civil society and other stakeholders to better prevent business-related human rights 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,

Recalling the views and recommendations of the United Nations human rights treaty bodies, including the general comments bearing on the issue of human rights and transnational corporations and other business enterprises, such as general comment No. 16 (2013) of the Committee on the Rights of the Child and general comment No. 24 (2017) of the Committee on Economic, Social and Cultural Rights,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the work of the Working Group on the issue of human rights and transnational corporations and other business enterprises in the fulfillment of its mandate as established in Human Rights Council resolution 17/4, including with regard to promoting the effective and comprehensive dissemination and implementation of the Guiding Principles on Business and Human Rights;

2. *Encourages* all States to enhance efforts to implement the Guiding Principles on Business and Human Rights, including through appropriate policy frameworks, regulations and the development of national action plans on business and human rights;

3. *Encourages* States and invites business enterprises to report on progress made, challenges and lessons learned in the implementation of the Guiding Principles on Business and Human Rights during the annual Forum on Business and Human Rights, on a voluntary basis;

4. *Encourages* all business enterprises to meet their responsibility to respect all human rights as stated in the Guiding Principles on Business and Human Rights and in other applicable standards, including for example by actively contributing to initiatives aimed at fostering a culture of respect for the rule of law, for the protection of human rights, participating in good faith in domestic judicial and non-judicial processes, and by establishing effective operational-level mechanisms to enable the early resolution of grievances;

5. *Welcomes* the work of the Working Group and takes note of its reports on connecting the business and human rights and the anti-corruption agendas,¹ and on the gender dimensions of the Guiding Principles on Business and Human Rights;²

6. *Also welcomes* the role of the Working Group in regional forums and consultations to discuss challenges and lessons learned from the implementation of the Guiding Principles on Business and Human Rights with States and other stakeholders in a regional context and, in this regard, requests the Working Group to further develop its active engagement in relevant regional forums within existing resources;

7. *Decides*, in the context of the tenth anniversary of the Guiding Principles on Business and Human Rights in 2021, to hold a panel discussion during the forty-seventh session of the Human Rights Council with the participation of the Working Group and with the objective of taking stock of progress made over the first 10 years since the endorsement of the Guiding Principles and discussing possible further steps in order to improve their future implementation by all stakeholders;

8. *Welcomes* the work of the United Nations High Commissioner for Human Rights on improving accountability and access to remedy for victims of business-related human rights abuse, and notes with appreciation her report on improving accountability and access to remedy for victims of business-related human rights abuse through non-State-based grievance mechanisms;³

9. *Invites* States to consider using all relevant reports of the High Commissioner, including the recommendations therein, when seeking to enhance the ability and effectiveness of State-based grievance mechanisms and facilitate non-State-based grievance mechanisms;

10. *Invites* all business enterprises to consider the reports of the High Commissioner when establishing or participating in effective non-State-based grievance mechanisms that are relevant for the respect by business enterprises for human rights;

11. *Encourages* all relevant United Nations agencies and programmes, national human rights institutions and civil society, including non-governmental organizations, to take into consideration the reports of the High Commissioner and of the Working Group in their

¹ A/HRC/44/43.

² A/HRC/41/43.

³ A/HRC/44/32 and Add.1.

activities aimed at supporting efforts by States and business to improve accountability and access to remedy;

12. *Requests* the High Commissioner to continue her work in the area of accountability and remedy, and to convene two consultations, involving representatives of States and other stakeholders, to discuss challenges, good practices and lessons learned in enhancing access to remedy for victims of business-related human rights abuse, and to submit a report thereon to the Human Rights Council at its fiftieth session;

13. *Welcomes* the role of the Working Group in guiding the three-day annual Forum on Business and Human Rights;

14. *Decides* that the Working Group shall continue to guide the work of the Forum and prepare its annual meetings, and invites the Working Group to chair the Forum and to submit a report on the proceedings and thematic recommendations of the Forum to the Human Rights Council for its consideration;

15. *Also 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 by the Human Rights Council in its resolution 17/4, for a period of three years;

16. *Requests* the Working Group, in accordance with its mandate, to continue to give due consideration to the implementation of the Guiding Principles on Business and Human Rights in the context of the 2030 Agenda for Sustainable Development;

17. *Encourages* all States, relevant United Nations agencies, funds and programmes, United Nations human rights bodies and mechanisms, and civil society actors, including non-governmental organizations, as well as public and private businesses, within their respective mandates, to cooperate fully with the Working Group in the fulfillment of its mandate by, inter alia, responding to communications transmitted, as provided in paragraph 6 (b) of resolution 17/4, to give due consideration to the issue of business and human rights and, in the case of States, to reply favorably to requests for visits by the Working Group;

18. *Invites* international and regional organizations to seek the views of and collaborate with the Working Group when formulating or developing relevant policies and instruments, and invites the Working Group to continue to collaborate closely with relevant United Nations bodies, including the treaty bodies and the special procedures;

19. *Encourages* the Working Group, within its mandate, to continue its work on the role of national human rights institutions in promoting business and human rights, including by assisting them on their request;

20. *Requests* the Secretary-General and the High Commissioner to provide all the resources and assistance necessary for the Working Group to fulfil its mandate effectively, including its role in guiding the work of the Forum on Business and Human Rights;

21. *Also requests* the Secretary-General and the High Commissioner to provide the Forum, in a transparent manner, with all the services and facilities necessary, bearing in mind the growing participation in the Forum and paying particular attention to regional balance and ensuring participation of affected individuals and communities;

22. *Decides* to continue its consideration of this question in conformity with its annual program of work.
