

Strasbourg, 24 May 2017

STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)

Council of Europe High-level Seminar
***Human rights and Business - Promoting the effective implementation
of global and regional instruments***
(Strasbourg, *Palais de l'Europe*, Salle 5, 9 June 2017)

Background paper and draft Programme

Introduction

1. According to its terms of reference for the biennium 2016-2017, the CDDH was invited, in the framework of its awareness-raising activities, to hold an event on the work conducted in 2014-2015 on corporate social responsibility in the field of human rights.
2. Further to the preparatory work within the Drafting Group on Human Rights and Business (CDDH-CORP) and the adoption of [Recommendation CM/Rec\(2016\)3 to member States on human rights and business](#) by the Committee of Ministers on 2 March 2016, the CDDH decided to prepare a High-Level Seminar during its next plenary session, on 9 June 2017.

BACKGROUND

3. Companies have, especially where they operate at the global level as multinational enterprises, become increasingly powerful and have the ability to severely impact peoples' lives and the environments in which they operate. While those companies generally bring benefits to society in the form of tax revenues and investment, employment opportunities, and technological advancement, the power and influence of organisations can also have a detrimental effect on the rights of their employees and the wider community. These sector-specific human rights abuses can include the use of child labour, minimum wage violations, hazardous working conditions, breaches of international humanitarian law, and cyber-monitoring.

4. The question of respect for human rights and accountability for violations by companies has been the subject of increasing debate at both international and national levels. Whilst the primary duty to ensure the protection of human rights lies with States, companies are increasingly becoming aware of their own responsibility in this field.
5. Adopted unanimously by the United Nations Human Rights Council on 16 June 2011, the UN Guiding Principles on Business and Human Rights (hereafter the UNGP), based on the “Protect, Respect and Remedy”- framework, provide an authoritative global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity, clarifying the distinctive duties and responsibilities of various players.
6. The UNGP create a common platform for action and accountability against which the conduct of both States and companies can be assessed. However, effective implementation of the UNGP requires regional and sector-specific adaptation and embedding. In this context, the Steering Committee for Human Rights (CDDH) of the Council of Europe has elaborated Recommendation CM/Rec(2016)3 on human rights and business, subsequently endorsed by all 47 Ministers’ Deputies on 2 March 2016.
7. Addressed to national authorities, the Recommendation CM/Rec(2016)3 of the Committee of Ministers to member States on human rights and business provides important additional guidance regarding the implementation of human rights in the business context, building on Council of Europe expertise and core standards, such as the European Convention on Human Rights, the European Social Charter (revised) and other relevant Conventions.
8. The Recommendation addresses all three “Protect, Respect and Remedy” pillars, putting particular emphasis on the issue of access to remedy and the reduction of judicial barriers, based on the vast Council of Europe legal expertise in this field. The instrument also highlights the additional and specific protection needs of vulnerable groups, such as workers, children, indigenous peoples, and human rights defenders.
9. Targeting loopholes in the UNGP implementation at the European level, the Recommendation contributes to the dissemination of best practices with regard to the development of National Action Plans, enabling Europe to act as a spearhead on the subject. Providing for a process of information-sharing amongst Member States, to be facilitated by the Council of Europe, the Recommendation foresees a review of its implementation within 5 years of its adoption.
10. The purpose of the High-Level Seminar is to **raise awareness** about Recommendation CM/Rec(2016)3, illustrating its specific added value while encouraging an **efficient implementation process**: while the instrument is exclusively addressed to Council of Europe member States, the seminar also aims at **exploring multi-stakeholder approaches** towards implementation challenges. In bringing together international partners, national governments, experts, academics and civil society representatives, the event will offer a platform to increase mutual understanding, identify lessons learned and explore avenues to **join efforts** in overcoming barriers.

11. The opening session will recall respective duties and responsibilities of member States and businesses, and identify how these duties add up to a complementary effort towards implementation of agreed standards and principles. The discussion will highlight the need for effective regional embedding of the existing UN framework, drawing particular attention to promising European initiatives, especially Recommendation(2016)3 which was recently adopted by the Committee of Ministers, and the existence of numerous best practices on the European continent, enabling the region to play a spearhead role in tackling a global challenge.
12. The first working session will put emphasis on the particular strengths of CM Recommendation (2016)3, illustrating its essential contribution with regard to the access-to-remedy-pillar, and highlighting the specific Council of Europe expertise and reference standards in the area of human rights in relation to business activity. The discussion will recall the importance of the comprehensive approach having prevailed during the elaboration of the instrument, taking into account both internal know-how and external multi-stakeholder input and expertise. Demonstrating the substantial added value of the Recommendation, the Panel could also discuss the upcoming implementation process, and associated challenges, with the first actors concerned: addressed exclusively to member States, the Recommendation indeed provides significant guidance for the development, adaptation and improvement of National Action Plans.
13. The second working session will foster multi-stakeholder cooperation and hear the experience and views of those involved in the development of National Action Plans and the deployment of international and regional frameworks, including Recommendation CM(2016)3. A multi-stakeholder exchange will facilitate the understanding of respective perceptions and possible fears in order to overcome those (perceived) obstacles and to take appropriate implementation measures on the basis of a comprehensive picture of different perspectives, also illustrating successful incentives and the need for constructive, mutually beneficial cooperation. Furthermore, the Panel will issue concrete recommendations as to the practical features of the information sharing platform (as foreseen in paragraph 4 of the Recommendation) and reflect upon the subsequent review process of the implementation of the Recommendation.
14. Finally, the discussions could develop concrete recommendations as to the practical features of the upcoming Council of Europe information-sharing platform and reflect upon the subsequent review process on the implementation of the Recommendation.

DRAFT PROGRAMME

Council of Europe High-level Seminar *Human rights and Business - Promoting the effective implementation of global and regional instruments*

Strasbourg, *Palais de l'Europe*, Room 5
9 June 2017, 9:00 - 17:15

OPENING SESSION

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| Assessing the need for strengthening the existing legal framework |
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9:00 – 9:10

Ambassador Emil RUFFER, Permanent Representative of the Czech Republic to the Council of Europe, Chair of the Committee of Ministers
Moderator of the session

The perspective of the Council of Europe

9:10 – 9:25

Ms Gabriella BATTAINI-DRAGONI, Deputy Secretary General of the Council of Europe

The perspective of the United Nations

9:25 – 9:40

Mr Adam ABDELMOULA, Director of the Human Rights Council and Treaty Mechanisms Division, Office of the United Nations High Commissioner for Human Rights

Challengers

9:40 – 9:50

Mr Nils MUIŽNIEKS, Council of Europe Commissioner for Human Rights

9:50 – 10:00

Mr Jonas GRIMHEDEN, Senior Policy Manager, Freedoms and Justice Department, European Union Agency for Fundamental Rights (FRA)

10:00 – 10:10

Mr Georges DASSIS, President of the European Economic and Social Committee (EESC)

Discussion

10:10 – 10:40

Coffee Break

10:40 – 11:05

WORKING SESSION I

The Council of Europe's contribution to the international legal framework

11:05 – 11:15

Mr Philippe BOILLAT, Director General, Directorate General Human Rights and Rule of Law, Council of Europe
Moderator of the session

Presentation of Recommendation (2016)3 of the Committee of Ministers

11:15 – 11:25

Professor René LEFEBER, former Chairman of the Drafting Group on Human Rights and Business (CDDH-CORP) of the Steering Committee for Human Rights (CDDH), Council of Europe

Human Rights and Business from the perspective of social rights

11:25 – 11:35

Professor Petros STANGOS, Member of the European Committee of Social Rights (ECSR), Professor of European law and holder of the Jean Monnet Chair "Human Rights in European Law", School of law at Aristotle University, Thessaloniki, Greece

A Civil Society perspective on the Recommendation

11:35 – 11:45

Ms Anna RURKA, Chair of the Conference of International Non-governmental Organisations of the Council of Europe

A key tool for National Action Plan development

11:45 – 11:55

Mr Ladislav PRUDKÝ, Corporate Social Responsibility Lead, Ministry of Industry and Trade, Czech Republic

Challengers

11:55 – 12:03

Mr Klaus LÖRCHER, Human Rights Advisor, European Trade Union Confederation (ETUC)

12:03 – 12:11

Mr Jan KLEIJSEN, Director of Information Society and Action against Crime

12:11 – 12:19

Mr Gianluca ESPOSITO, Executive Secretary of the Group of States against Corruption (GRECO)

12:19 – 12:27

Professor Siobhán MULLALLY, Chair of the Group of Experts on Action against Trafficking in Human Beings (GRETA)

Discussion

12:30 – 13:00

Group picture

13:00

Lunch Break

13:00 – 14:30

WORKING SESSION II

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| A multi-stakeholder approach towards implementation challenges |
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14:30 – 14:40

Ambassador Guido BELLATI-CECCOLI, Permanent Representative of San Marino to the Council of Europe, Chair of the Committee of Ministers' Rapporteur Group on Human Rights (GR-H)

Moderator of the session

An Expert perspective

14:40 – 14:50

Mr Gerald PACHOUD, Managing Partner, Pluto & Associates

A government perspective

14:50 – 15:00

Ms Linda PIIRTO, Senior Advisor on Responsible Business, Finnish Ministry of Economic Affairs and Employment

An independent National Human Rights Institute perspective

15:00 – 15:10

Professor Nicola JÄGERS, Commissioner at the Netherlands Institute for Human Rights, Chair in International Law at the University of Tilburg

An Organisation for Economic Co-operation and Development perspective (OECD)

15:10 – 15:20

Professor Dr Roel NIEUWENKAMP, Chair of the OECD Working Party on Responsible Business Conduct, and Chair of the OECD Business & Human Rights Grievance Mechanism

An International Labour Organisation perspective (ILO)

15:20 – 15:30

Ms Githa ROELANS, Head of Multinational Enterprises and Enterprise Engagement Unit, ILO

Coffee Break

15:30 – 15:50

Challengers

15:50 – 15:58

Ms Joanna REYES, Director of Research and Operations, Global Business Initiative on Human Rights

15:58 – 16:06

Mr Phil BLOOMER, Executive Director of the Business & Human Rights Resource Centre, and Board Director of the Corporate Human Rights Benchmark (CHRB)

16:06 – 16:14

Mr Bernard LEROY, Director of the International Institute of Research Against Counterfeit Medicines (IRACM)

Discussion

16:15 – 16:50

Final Remarks

16:50 – 17:00

Ms Lene WENDLAND, Chief of the Human Rights and Economic and Social Issues Section, Office of the United Nations High Commissioner for Human Rights

Conclusions

17:00 – 17:10

Ms Brigitte KONZ, Chairperson of the Steering Committee for Human Rights (CDDH), Council of Europe, *Juge de Paix directrice*

"Vin d'honneur"

17:10 – 18:00