

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 14 February 2014

CDDH-CORP(2014)R2

STEERING COMMITTEE FOR HUMAN RIGHTS  
(CDDH)

**DRAFTING GROUP ON HUMAN RIGHTS AND BUSINESS  
(CDDH-CORP)**

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**Meeting report**

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2<sup>nd</sup> meeting  
12 February (9.30 a.m.) – 14 February 2014 (1 p.m.)  
Council of Europe, Agora – Room G05

**Item 1:      Opening of the meeting and adoption of the agenda**

1. The CDDH Drafting Group on Human Rights and Business (CDDH-CORP) held its second meeting in Strasbourg from 12 to 14 February 2014 with Mr René LEFEBER (Netherlands) in the Chair. The list of participants can be found in [Appendix I](#). The agenda as adopted appears in [Appendix II](#).

2. The Chair welcomed the participants, invited those having not attended the first meeting to introduce themselves, and recalled the tasks that the group was entrusted to achieve in the framework of its terms of reference.

**Item 2:      Keynote speech: Professor Michael K. Addo, Member of the UN Working Group on Business and Human Rights**

3. Professor Michael K. Addo, senior lecturer at Exeter University (United Kingdom) and member of the UN Working Group on Business and Human Rights, addressed in his keynote speech recent developments in the area of human rights and business from the point of view of the Working Group.

4. The keynote speech and the subsequent exchange of views with the Group focused in particular on the following points:

- The hitherto work of the Working Group, including achievements and obstacles;
- Ongoing debate at the international level on the need of a legally-binding instrument for business and human rights;
- Gaps at the international level, such as the question of accountability of enterprises for gross human rights violations that amount to international crimes;
- The divisiveness on the issue of extraterritorial jurisdiction at global level and the hope that the Council of Europe may address the issue;
- Ongoing preparation of a report of the Working Group to the UN General Assembly, with a particular focus on national action plans, to which delegations were invited to give input;
- The Open Consultation on the strategic elements of National Action Plans in the implementation of the UN Guiding Principles, to be held on 20 February, to which the Council of Europe was invited;
- The Forthcoming regional consultations on national action plans in Africa (Ethiopia), Latin America (Colombia) and Asia (India), and possible participation of a representative of the Council of Europe in order to foster the intercontinental exchange of views and good practices;
- Lessons drawn from the first two annual sessions of the UN Forum on Business and Human Rights (2012 and 2013);
- The impact of the Guiding Principles for future generations and the importance of education and awareness-raising in this respect.

**Item 3:      Information on recent relevant national and international developments**

5. The representative of the Netherlands presented the national action plan of her country for the implementation of the UN Guiding Principles. Other participants provided information on the status of preparation of their respective national action plans. The representatives of the European Union and of the Office of the United Nations High Commissioner for Human Rights presented the current status of their respective work in the field.

6. The Secretariat reported on the participation of the Council of Europe to the UN Forum on Business and Human Rights. It also informed the Group about the ongoing discussion in the Committee of Ministers regarding the adoption of the draft Declaration on the UN Guiding Principles on Business and Human Rights drafted by the Group at the last meeting and adopted by the CDDH at its meeting in November 2013. Finally, it reported about a conference to be organised by the Council of Europe and its Austrian Chairmanship on internet governance in Graz on 20 March 2014, to which the CDDH-CORP Secretariat was invited to sit on a panel on business and human rights.

7. As regards other relevant events, the representative of the Netherlands informed the Group about an expert meeting on the effectiveness of grievance mechanisms, which will take place on 3-4 April 2014 in The Hague. The European Coalition for Corporate Justice is organising a series of conferences (in Brussels, Berlin, Paris and London – dates are yet to be confirmed) on civil justice in the context of transnational business activities and human rights.

#### **Item 4:           Elaboration of one or more non-binding instruments**

8. The Secretariat reported to the Group about the exchange of views that the CDDH had at its November meeting, with the participation of the Chair of the Group, and on the guidance provided by the CDDH, particularly as regards the indicative list of issues appended to the report of the last meeting of the Group.

9. The Chair presented the revised indicative list of issues (document CDDH-CORP(2014)04), drawing the attention of the Group to the main changes compared to the previous version, in the light of comments received by delegations and the discussion in the November meeting of the CDDH. The Group had then a preliminary exchange of views on this revised list, on possible priorities for further action and on whether or not the Group should continue considering all the items currently on the list.

10. After this first exchange, the Group agreed to pursue in detail the consideration of the various items on the list in three sub-groups, with a view to the identification of concrete proposals for future action, with the exception of item A (Existing obligations and engagements of Member States), for which it was agreed that the Secretariat would be in a position to collect the necessary information, also on the basis of documents already prepared.

11. The first sub-group discussed questions related to access to justice and remedies and to extraterritorial jurisdiction (items B and I of the list), with Mr Sergiy Kyslytsya (Ukraine) as rapporteur. The second sub-group, with Ms Eva Fehringer (Austria) as rapporteur, discussed policies and measures requiring business enterprises to respect human rights, policies and measures promoting respect for human rights, and the promotion of due diligence (items C, D and E of the list). The third sub-group, with Ms Krista Oinonen (Finland) as rapporteur, discussed the remaining items on the list (Items F, G, H, J and K).

12. The result of the reflection of the three sub-groups was discussed and amended by the Group in plenary, and appears in Appendix III to the present report. It was clarified that the issues appearing in Appendix III were merely listed as options and questions for further debate, and that any decision upon their inclusion in one or more non-binding instruments would only be taken at a later stage.

13. As regards the question of extraterritorial jurisdiction, due to the complexity of the issues and the diverging opinions within the Group on whether or not this item should be included in a non-binding instrument and on how to address it, the Group decided not to discuss it at length at this meeting, also in order not to detract its attention from other relevant issues.

14. The participants were invited to submit proposals and suggestions of issues for further consideration, including as regards how to possibly tackle the question of extraterritorial jurisdiction, to the Secretariat (mail to [matthias.kloth@coe.int](mailto:matthias.kloth@coe.int)) by 21 March 2014 at the latest, with a view to a revision of the list for consideration by the CDDH at its next meeting in April. The Secretariat was requested to collect information on existing obligations and engagements of Member States, taking into account the documents already prepared for the work of the Group, and to disseminate it by 2 May 2014 at the latest.

15. The Chair summed up the discussion identifying three broad areas of main interest for the Group:

- a first area, including the questions of existing obligations and engagements of member states and of obstacles to access to justice and remedies for victims, which may lead to the elaboration of a recommendation;
- a second area encompassing policies and measures of states with respect to companies and the question of due diligence, which may lead to the elaboration of a guide of good practices; and
- a third area around the issue of national action plans, which may lead to the elaboration of recommendations as well as guidelines, possibly supported by examples of good practices.

When approaching these issues, appropriate attention should be paid to a number of transversal issues, such as the role of stakeholders and social partners, including national human rights institutions, gender equality, awareness raising, capacity building and education measures, review mechanisms, etc. It was also noted that any proposal for further activity by the Organisation would be subject to financial considerations.

16. The Group noted that the results of this meeting will be discussed by the CDDH at its next meeting in April, and that the CDDH may provide new instructions to the Group for its third meeting. In this respect, the Group proposed that the CDDH at the April meeting exchanges views on the proposed approach and on the current state of the discussion, and invites all delegations of CDDH and CDDH-CORP to submit substantive comments by mid-June. On the basis of the comments received, the CDDH could then instruct at its June meeting the Secretariat and the Chair of the CDDH-CORP to draft a new working document, possibly already taking the form of a draft non-binding instrument or instruments, for consideration at the next meeting of the Group.

**Item 6: Other business**

17. The CDDH-CORP will hold its next meeting in Strasbourg from 24 to 26 September 2014. It tentatively proposes to hold its fourth meeting from 11 to 13 February 2015.

**APPENDIX I**  
**LIST OF PARTICIPANTS**

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**APPENDIX II****Item 1: Opening of the meeting and adoption of the agenda****Item 2: Keynote speech: Professor Michael K. Addo, Member of the UN Working Group on Business and Human Rights****Item 3: Information on recent relevant national and international developments**

<b><u>Information Documents</u></b>	
Report on the Council of Europe participation to the 2nd United Nations Forum on Human Rights and Business (Geneva, 2-4 December 2013)	CDDH-CORP(2014)02
National Action Plan of the Netherlands on Business and Human Rights	CDDH-CORP(2014)06

**Item 4: Elaboration of one or more non-binding instruments**

<b><u>Working Documents</u></b>	
Report of the 1 <sup>st</sup> meeting of the CDDH-CORP	CDDH-CORP(2013)R01
Pertinent extracts of the 79 <sup>th</sup> CDDH report	CDDH-CORP(2014)01
Corporate social responsibility in the field of human rights - Comments on the indicative list of issues including examples of good practices	CDDH-CORP(2014)03
Working document on the indicative list of issues to be considered in preparation of a Council of Europe non-binding instrument on human rights and business	CDDH-CORP(2014)04
Materials concerning the issue of extraterritorial jurisdiction	CDDH-CORP(2014)05

  

<b><u>Information Documents</u></b>	
A UN Business and Human Rights Treaty? An Issues Brief by John G. Ruggie 28 January 2014	John G. Ruggie document

**Item 5: Other business**

- Dates of the next meeting

<b><u>Reference Documents</u></b>	
Feasibility study on corporate social responsibility in the field of human rights	CDDH(2012)R76 Addendum VII
Draft preliminary study on corporate social responsibility in the field of Human Rights : existing standards and outstanding issues	CDDH(2012)12

CM decision	CDDH-CORP(2013)01
Terms of Reference of the CDDH-CORP	CDDH-CORP(2013)02
Pertinent extracts of the 77th and 78th CDDH reports	CDDH-CORP(2013)03

### APPENDIX III

#### Indicative detailed list of issues for further debate

**A. Existing obligations and engagements of Member States (including as members of multilateral institutions) according to relevant European and international instruments in the context of human rights and business, including ECHR case law**

**B. Obstacles to access to justice and remedies for victims of business-related human rights abuses – both within business enterprises (e.g. internal complaint mechanisms) and outside business enterprises (e.g. individual and collective complaint mechanisms, administrative and criminal responsibility of business enterprises, legal aid, and alternative dispute resolution) – and ways to improve access to justice and remedies as well as their effectiveness (i.e. direct access and third party intervention possibilities for trade unions and respective civil society organisations)**

The Group discussed **three types of mechanisms**: state-based judicial mechanisms, state-based non-judicial mechanisms and non-state based grievance mechanisms (or companies' mechanisms).

As a general principle, the Group deemed that the issue of **access to information** for rightsholders in relation to corporate human rights abuses, including fundamental social rights, about existing mechanisms is of particular importance for the effectiveness of any type of remedy, whether judicial or non-judicial. Such information should also be available in the rightsholders' language.

a) Access to judicial mechanisms

As regards the access to judicial mechanisms, the Group **established a draft list of obstacles** and considered **possible measures to overcome** them. It took as a basis of its discussion the obstacles that had been identified in some sources, such as the commentaries under Principle 26 and two thorough studies<sup>1</sup>. In this regard, it was also recalled that the European Court of Human Rights in its case-law stresses that the right of access to court under Article 6 ECHR is, although not absolute, a right which must be guaranteed in a manner that is practical and effective (see, for example, *Jones and others v. the United Kingdom*, judgment of 14 January 2014, paras. 186-187).

The Group exchanged views on the **headquarters' responsibility** and the **implementation of the Brussels I Regulation** on jurisdiction and recognition and enforcement of judgments in civil and commercial matters (EC Regulation No 44/2001) and the corresponding Lugano Convention. It deemed that these issues were also related to the issue of access to justice. Particularly as regards the Brussels I Regulation, some of the participants proposed that a **review of best national implementation practices** be conducted in order to learn from such practices, other participants were on the opinion that in this context any reference to and review of a EU instrument **should be acceptable** and of interest for all European countries, focusing on contents and principles embedded in this instrument.

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<sup>1</sup> The commentaries under the Principle 26; the study "The third pillar – access to judicial remedies for human rights violations by transnational business" – December 2013; the study "Corporate accountability for Human Rights and Business - A guide for victims and NGOs on recourse mechanisms" – 2010

*Draft list of obstacles to access to judicial mechanisms and possible measures*

- **Complex structure of businesses**
  - Establish reporting requirements on both structure of the company, including its subsidiaries, and their business relationships.
  - Establish a duty for headquarter companies to conduct human rights due diligence in respect of the entities in the corporate group. Failure to fulfill this duty would require headquarters to fulfil particular reporting obligations or even to make them civilly liable for harm resulting from the activities of entities in the group.
- **Legal responsibility**
  - Explore ways of introducing corporate criminal liability under domestic law.
  - Clarify standards for corporate criminal liability, including standards for complicity.
  - Foresee training for public prosecutors where corporate criminal liability is in place.
- **Lack of legal standing for victims**
  - Simplify/clarify the conditions under which public interest litigation can be brought.
- ***Forum non conveniens***
  - Establish jurisdiction of member states' courts in civil and commercial matters over companies, including their activities abroad, that are incorporated/have their statutory seat or their principal place of business within their jurisdiction.
- **Applicable law**
- **Act of State-Doctrine/Immunities**
  - Enforce a presumption against the act of state doctrine/ immunity in case of commercial activity by businesses carrying out public functions.
- **Difficulties for victims to obtain legal aid/ financial obstacles**
  - Extend or facilitate legal aid for victims of human rights abuses committed by companies or their subsidiaries outside the place of incorporation or their statutory seat.
  - Minimize the effects of the loser pays system as regards access to justice.
  - Consider difficulties that may face women, children, migrants, indigenous people, human rights defenders.
- **Lack of resources or willingness of prosecutors to pursue a case**
  - Take appropriate measures to enable prosecutors to investigate a case (properly equipped/trained prosecutors).
  - Allow for an efficient review of the prosecutor's decision not to pursue a case (properly equipped/trained judges).

- **Rules of evidence in civil law cases**
  - Promote equality of arms.
- **Lack of collective redress mechanisms in national legal systems**
  - Enable collective actions, including opt-in group actions.
  - Consider reforming collective actions, to enable claims to be brought based expressly on human right terminology and by reference to European human rights treaties.
  - Enable legal standing, third party intervention possibilities or other means of support of claims by trade unions and respective civil society organisations.

b) Access to non-judicial mechanisms

The Group exchanged views on existing non-judicial mechanisms with the purpose of mediation and conciliation, such as National Human Rights Institutions or the National Contact Points established under the OECD Guidelines for Multinational Enterprises.

As far as National Contact Points are concerned, the Group considered that it was not appropriate that the functioning and the effectiveness of such mechanisms be discussed within the Council of Europe, but that the Council of Europe could well recommend to those member states which have not yet done so to adhere to the OECD Guidelines for Multinational Enterprises. However, some participants expressed the wish that best practices as regards the operation of National Contact Points be identified and shared among member states.

It was also suggested that attention should be paid to administrative mechanisms taking decisions which may have an impact on human rights, and to the fact that basic fair trial rules should also apply in these situations.

The Group also suggested that member states should ensure that non-judicial mechanisms meet the effectiveness criteria as set out in the UN Framework (2011). Additional criteria might be considered.

c) Non-state-based mechanisms

There was a general consensus that states should not be involved in the functioning of non-state-based mechanisms. Nonetheless, the Group considered that states should communicate to companies that internal grievance mechanisms do not include provisions that prevent victims from accessing state-based judicial and non-judicial mechanisms.

**C. Policies and measures requiring business enterprises to respect human rights, in particular the protection of fundamental social rights of workers, non-discrimination, and data protection**

- The Group recognised that particular emphasis should be put on the protection of **fundamental social rights** which are already existing obligations on states, enshrined in the (Revised) European Social Charter, but also in other international standards such as the International Covenant on Economic, Social and Cultural Rights and applicable ILO Conventions.

- Consideration could be given to the institution of a “**Helpdesk**” within the Council of Europe to which companies or individuals/workers could turn to inquire about applicable Council of Europe standards.
- The importance of the principles of **non-discrimination** and **gender mainstreaming** were underlined as issues to be taken in consideration in a future non-binding instrument.
- On the other hand, the Group considered that it had very little to add with regard to the issue of **data protection**, given the ongoing revision of the “Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data” and the competence of the Steering Committee on Media and Information Society in the area of internet governance.

**D. Policies and measures promoting respect for human rights (e.g. public procurement, foreign investment, activities of State-owned companies, activities in conflict areas, gender equality)**

**E. The promotion of due diligence, e.g. through tort, corporate, administrative and/or criminal law, incentives and other measures) by business enterprises**

The Group found that item D. **on policies and measures promoting respect for human rights** somewhat overlapped with item E. on the promotion of **due diligence**, given that some of the policies and measures listed under item D. were intended to use the due diligence of private enterprises to achieve respect and protection of human rights.

It considered that there is no single concept of due diligence but many, and that the CDDH-CORP was not in the best position to try to define the concept. However, the Group did not rule out that the issue of due diligence could be addressed, depending on the format it would choose (e.g. by presenting existing examples of due diligence in Member States in a guide of good practices as well as additional ways in which due diligence could be carried out).

The Group discussed a number of specific issues which were felt could form part of a non-binding instrument:

- the integration of human rights policies and monitoring mechanisms into **export licensing schemes or export guarantees, investment and trade agreements, or stock market launches**;
- increasing human rights performances of **state-owned companies**;
- possible reporting requirements of human rights impact of **foreign investments**;
- applying human rights in **procurement processes**, taking also into account the European Procurement Directive 2004/18/EU (and its eventual updating) and practice in Member States;
- fostering the **translation and dissemination of the UN Guiding Principles** in Council of Europe member states (including in particular for small and medium-sized companies that tend to be less aware of their existence);

- recommending **supporting measures for companies** (such as the providing of information by their home states on sensitive human rights issues in third countries);
- **promoting capacity building measures** from states and their respective social partners for countries where there might be a lack of social partnership or social partner organisations.

<b>F. Establishment of benchmarks for national action plans and national baseline studies, including the involvement of stakeholders</b>
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The Group discussed whether a non-binding instrument could provide guidance to Member States on how to establish national action plans (NAP) and considered the following aspects:

- The modalities for preparing a national action plan vary from country to country. Two Member States have already adopted their NAPs and many Member States are in the process of drafting or finalizing their NAPs. However, there is still a large group of Member States without any concrete plan on how to proceed with a NAP. It was identified that this group could benefit from the guidance and support in preparing NAPs.
- As regards a non-binding instrument, questions were raised on the following issues: is it the role of the Council of Europe to provide guidance on establishing a NAP? If so, how much guidance could it provide? What is the right format for providing guidance and how much space there is for guidance?
- A non-binding instrument could encourage Member States to prepare balanced and comprehensive NAPs, to implement them and, as appropriate, to update them. A key message of the Council of Europe's political declaration can and, if needed, should be repeated.
- A non-binding instrument(s) could provide guidance for, *inter alia*, following up to the NAPs in the long term, establishing multi-stakeholder processes in this regard, keeping NAPs active and alive, revising the NAPs as well as assessing the NAPs being implemented.
- An adequate follow-up mechanism for the implementation of NAPs was considered of utmost importance.
- As regards preparing NAPs, it was proposed to issue a guide of good practices. Two adopted NAPs are very different and illustrate how the implementation of the Guiding Principles can be addressed in various ways by adopting different approaches.
- Should there be a need to provide guidance on how to establish NAPs, there are several options available. There could be one single instrument providing guidance for establishing NAPs and/or elements of guidance could be integrated into substantive/sectorial parts of a non-binding instrument(s), e.g. in the context of access to justice.
- There was a general agreement that Member States would benefit from sharing experiences on the substance, e.g. experiences related to public procurement or access to justice. It was emphasized the exchange of experiences should be ongoing and there should be a permanent platform for sharing experiences, providing guidance and exchanging views.



- One feasible option for establishing a public platform could be a dedicated website. It would be accessible to all stakeholders and easily provide a comprehensive database of information on business and human rights.
- In addition, it is important to promote dialogue – a web platform cannot replace face-to-face dialogue with all stakeholders.
- A peer review has often provided positive experiences and an inspiring learning environment. It was suggested that a small group of Member States, after adopting their NAPs, could do piloting and peer review the implementation of the UN Guiding Principles at the country level. The review exercise should preferably involve also other stakeholders.
- It was emphasized that the Council of Europe does not have a mandate, as such, to monitor the implementation of NAPs. However, there should be an adequate follow-up to the realization of the non-binding instrument. A follow-up questionnaire addressed to Member States could be a useful tool in this regard. However, in order to conduct follow-up activities at regular intervals voluntary contributions coming from Member States are important to secure adequate resources. It was also noted that the UN Working Group already requests Member States to provide information through a questionnaire. The Council of Europe should not duplicate the work already done at other fora.

#### **G. The role of stakeholders and social partners, including national human rights institutions**

The Group exchanged views on how a non-binding instrument could facilitate the role of stakeholders and social partners, including national human rights institutions (NHRI).

- The role of stakeholders is a cross-cutting issue – it should be addressed throughout a non-binding instrument(s), not as separate cluster.
- Every Member State has its own unique group of relevant stakeholders. A non-binding instrument should promote the variety of stakeholders, including NHRIs, non-governmental organisations, social partners and business enterprises and associations representing them, and inclusive processes in the spirit of the UN Guiding Principles. The particular importance of trade unions and organisations of employers in this respect has been underlined. A special focus, in order to ensure their appropriate consultation, should be placed on rightsholders such as children, minorities, indigenous peoples, persons with disabilities, human rights defenders etc.
- It is crucial to emphasize the role of business enterprises as stakeholders, too. A non-binding instrument could provide ways and means, preferably also share good practices, on how to involve and sensitize the business sector in the implementation of the UN Guiding Principles and NAPs.
- A non-binding instrument(s) should emphasise NHRIs' role and address this issue, inter alia, in the context of access to justice. Member States should be encouraged to empower independent and impartial NHRIs to take active role in this regard. The UN Paris Principles on the status of national human rights institutions do not set a requirement that NHRIs should handle individual and/or collective complaints. Issues related to business and human rights fall naturally under the mandate of NHRIs and they should be able to address these thematic issues.

- Stakeholders to be considered should not be limited to those mentioned in the Guiding Principles. For example Parliaments, as well as the Parliamentary Assembly of the Council of Europe, can play an important role and provide a positive input to raising awareness of the UN Guiding Principles and national implementation efforts in this regard. A European added value could be identified here.
- In the context of business and human rights a gender impact assessment is usually lacking. Gender impact assessment could be linked to relevant thematic clusters, such as access to justice (e.g. particular barriers for women's access to justice).

#### **H. Appropriate mechanism for the review of the implementation of the instrument (such as peer exchange mechanism)**

The Group preliminarily assessed whether there is a need for a review of a non-binding instrument(s):

- The general notion was that follow-up processes give value also to non-binding instruments. However, the most feasible format for a review mechanism can be addressed with more detail only when a non-binding instrument(s) is finding its shape. The format of the instrument(s) will be crucial when assessing the concrete options.
- It was emphasized that the review should be seen as an opportunity for a dialogue between stakeholders and States.
- A peer-review was identified as one option for review. Basically, Member States could be invited to submit information, i.e. to reply to a questionnaire. A rapporteur chosen among governmental experts would review the replies and identify trends with the help of the Secretariat and submit a report on the implementation of the instrument(s), including conclusions and proposals for further action to an intergovernmental committee.
- During the review cycle it could be beneficial to focus only on 1-2 items, not to request information on all issues. It was emphasized that some issues may deserve more attention than others. This may be addressed in the rapporteur's conclusions.
- Questionnaires were considered as useful tools for national stocktaking. However, there should be a clear objective for the questionnaires and all questions should be well designed and targeted.
- Reviews should take place regularly.

#### **I. Exercise of jurisdiction by Member States, including extraterritorial jurisdiction, to prescribe, enforce and adjudicate with respect to human rights and business**

#### **J. Awareness-raising and communication activities, such as publications and workshops**

The Group discussed awareness-raising activities and considered the following elements:

- There is a need to raise awareness of the UN Guiding Principles and processes leading to NAPs. It was noted with concern that the language of human rights can be difficult for business enterprises, and it needs to be made tangible for the enterprises and people within it. However, it was also pointed out that activities in general aiming at raising awareness of the UN Guiding Principles should not be the Council of Europe's core activity. The UN Working Group is mandated to raise awareness.
- The Group considered whether awareness-raising should be addressed as a self-standing issue, but it was then the prevailing view that this should be rather seen as a cross-cutting issue which should be mainstreamed throughout any possible instrument.
- A non-binding instrument(s) could encourage Member States, in collaboration with all relevant stakeholders, to issue publications, organize national/sub-regional/regional events, organize thematic workshops, organize public consultations after adopting NAPs, etc. A private sector has huge potential, if involved, to support these activities.
- A non-binding instrument(s) should focus on gaining more visibility to the Council of Europe's input at all levels (national, sub-regional, regional and international).
- A non-binding instrument(s) should address the European contribution to the work done elsewhere - how our work could be beneficial to other regions?
- Education on business and human rights, an investment to the future, is an element to be addressed in a non-binding instrument.
- Within existing, limited resources, the Secretariat can provide support to Member States, inter alia, by helping to translate core documents.

#### **K. Sector-specific guidance in areas in which the Council of Europe has specific expertise**

- The Group was of the view that it could flag areas which may require sector-specific guidance and bring these needs to the attention of specialized bodies for further consideration.