



CONFERENCE OF INGOs
OF THE COUNCIL OF EUROPE

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CONSEIL DE L'EUROPE

Recommendation adopted by the Conference of INGOs on Thursday 29 June 2017

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Business and Human Rights

The Conference of International Non-Governmental Organisations (INGOs) of the Council of Europe

Noting that:

Many transnational companies, whose head offices are located in Europe, invest in countries in Africa, Asia and Latin America, in their regional development, industrial expansion and the exploitation of their natural resources (oil, minerals, timber, agricultural products, etc.), thus creating major development potential for these countries and their inhabitants;

And concerned by:

The failure by these companies to respect certain human rights in these countries, undermining their development and that of their populations, potentially resulting in rural depopulation and all its repercussions;

Considering that:

- The adverse effects on the development of the countries concerned and their inhabitants make it difficult for many families to lead dignified lives there within the meaning of international treaties, particularly the European Convention on Human Rights and the revised European Social Charter;
- A part of these populations are forced to emigrate to Europe and elsewhere, transferring there their hopes of finding sufficient means to improve their lives, despite Europe's economic difficulties;
- Transnational companies must show full respect for human rights also in the countries in which they operate and contribute to their social and economic development and that of their inhabitants so that they can live in dignity in their own homelands and not be forced to leave.

Drawing on Recommendation CM/Rec(2016)3 of the Committee of Ministers;

Referring to the relevant provisions of the European Convention on Human Rights and the revised European Social Charter;

Highlighting the importance of international reference texts on the subject such as the [UN Guiding Principles on Business and Human Rights](#), the [United Nations Declaration on the Rights of](#)

[Indigenous Peoples](#), the [relevant ILO Conventions](#), and the [OECD Guidelines for Multinational Enterprises](#), the Convention on the [Elimination of All Forms of Discrimination Against Women \(CEDAW\)](#), the [UN Convention on the Rights of the Child](#).

Supporting the work under way to adopt a UN Convention on business and human rights;

Welcoming the positive action taken by some NGOs such as the Extractive Industries Transparency Initiative, the [Publish What You Pay](#) campaign, the [European Coalition for Corporate Justice \(European coalition for social justice\)](#), the [Global Movement for a Binding Treaty](#), and the French anti-tax paradise forum, "[plateforme Paradis fiscaux et judiciaires](#)";

The Conference of INGOs of the Council of Europe:

- **calls on** NGOs to take action to promote vis-à-vis the extra-territorial effect of rights guaranteed by the revised European Social Charter their respective governments and the possibility for employees of companies operating on the spot in the countries concerned, to make use of the collective complaints mechanism deriving from the Protocol to the revised Charter;
- **encourages the promotion** of recommendation [CM/Rec\(2016\)3 of the Committee of Ministers to member States on human rights and business](#) and its annex, in particular paragraphs I.a.2. On Gender Discrimination and paragraph VI.64. On the rights of the child;
- **calls for** the national and local NGOs concerned to ensure that the Council of Europe member states take the necessary legislative and administrative measures and set up suitable mechanisms for the proper implementation of the above-mentioned recommendation;
- **invites** the members of the Conference of INGOs located in an EU member state, to encourage the EU to adopt a binding instrument in this area drawing on the UN Guiding Principles cited above and Recommendation CM/Rec (2016)3 of the Committee of Ministers;
- **supports** local, national and international citizens' initiatives whose aim is to apply the principle of [Free Prior and Informed Consent \(FPIC\)](#), deriving in particular from [ILO Convention No. 169](#), which requires industries to give the most detailed information possible to local residents about the installations they are planning to set up and their potential impact, and not to begin work until they have obtained the free and informed consent of these local inhabitants.

The Conference of INGOs recommends that the member states of the Council of Europe:

1. **Take every possible measure to ensure that companies** whose head offices lie within their jurisdiction and operate in the countries cited above comply with Recommendation CM/Rec(2016)3 of the Committee of Ministers of the Council of Europe and with the conventions, declarations and guiding principles of the United Nations, the ILO and the OECD mentioned above;
2. **Adopt the necessary legislative and administrative measures** for the full and prompt implementation of the actions recommended in Recommendation CM/Rec(2016)3 of the Committee of Ministers of the Council of Europe, particularly revising their legislation so that the civil and criminal liability of parent companies based in Europe may be incurred for activities and omissions constituting breaches of human rights by their branches in foreign countries, and by sub-contractors, suppliers or other companies with which they have an established relationship;

3. **Set up the necessary judicial and extra-judicial mechanisms** for the companies concerned to rectify and make good the infringements of human rights for which they are responsible;
4. **Impose** binding obligations on private operators in banking, insurance and finance sectors when the projects concerned involve human, social and environmental risks at national level;
5. **Require multinational companies** whose head offices fall within their jurisdiction to implement the principle of Free Prior and Informed Consent (FPIC) deriving in particular from ILO Convention No. 169 and hence to give local residents the most detailed information possible about the industrial installations they are planning to set up and the potential implications for them and not to begin work until they have obtained the free and informed consent of these local inhabitants.
6. **Require** a high level of financial, economic and accounting transparency from these companies as regards their activities and operations in the countries cited above;
7. **Support** the current work relating to the adoption of a United Nations Convention on business and human rights;
8. **Promote and disseminate as widely as possible** Recommendation CM/Rec(2016)3 of the Committee of Ministers of the Council of Europe and translate it into their official languages.