

Human rights and Business - Prosperity Through Diversity

Virtual conference under the auspices of the Greek Chairmanship of the Council of Europe

Opening remarks by Dunja Mijatović Commissioner for Human Rights of the Council of Europe

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Excellencies, dear participants, dear friends,

The human rights responsibilities of business are not a new topic, but I think that the way in which we see them is evolving, and so are our expectations. For a long time, the agenda has been linked to international development, supply chains, or charitable commitments. It is now increasingly about how the private sector respects human rights, fights discrimination, protects equality and diversity, nurtures free speech, tackles modern slavery or environmental hazards – not just in faraway places, but in the global North as well.

The Council of Europe has not stood idly in the face of these challenges. In 2016, the Committee of Ministers adopted a Recommendation on Business and Human Rights with guidance on applying the UN Guiding Principles on Business and Human Rights. Last year, a “one stop shop” online platform was set up, containing National Action Plans and best country practices.

My office has also been active by highlighting human rights obligations of business in country visits or by focusing on specific topics, like the role of private actors in border security, policing, prisons and surveillance; human trafficking; or the right to privacy in the Internet.

Today, I would like to share with you three thoughts on this theme:

One is about the role of the private sector in the field of Artificial Intelligence (AI). This is an area in which I have been engaged since the start of my mandate. In my Recommendation titled “Unboxing AI: 10 steps to protect human rights” published last year, I flagged the serious consequences that decisions based on flawed AI can have for human rights, for example in access to healthcare, social security, employment, or in the area of crime prevention.

A key issue at stake is also the freedom of expression. I have raised concerns about the role of private companies in content moderation and in setting the boundaries of free speech in the digital sphere. And in some countries, governments compel telecommunications companies to shut down or to slow down Internet and the social media, restricting citizens’ freedom of speech and assembly.

I think that one element of response to this is to strengthen cooperation and dialogue on human rights between state actors, private companies, international organisations, and the civil society. I found it very encouraging that many of the largest business players have already partnered with the Council of Europe as part of its “Partnership with Digital Companies”. Today’s conference is another good example of the much-needed multi-stakeholder dialogue.

My second remark has to do with the big debate about whether Human Rights and Business should be left to self-regulation or subjected to hard law.

My impression now is that the pendulum is swinging away from the voluntary towards the mandatory. Several Council of Europe member states: France, the Netherlands, the UK – have already passed laws on some of the key human rights responsibilities of business, as has the European Union.

I think that more hard law in this area is just a matter of time. I also believe that it is in the interest of businesses themselves to have a level playing field. This is why I support the efforts to create a binding international instrument to regulate business conduct, and I think the Council of Europe has much to contribute with to this process.

Third and last, I'd like to share a thought on how the global COVID pandemic is reshaping the Human Rights and Business agenda.

We have seen the inspiring example of many private businesses stepping in to help make available protective gear and life-saving equipment, and to ensure uninterrupted delivery of goods and services to the population. I salute the humanity and dedication of all the people working in those companies.

But we have also seen many companies struggling to keep afloat in the face of the sudden downturn, leading to layoffs and increasing the risk of poverty for many – not just in Europe, but also for those down the supply chains.

Despite the appearances of respite, the pandemic is not over yet. It will remain a difficult test not just for the private actors' economic viability, but also for their commitment to human rights and – no less importantly – their social license to operate.

I wish you all great discussions in today's conference.