

## STEERING COMMITTEE FOR HUMAN RIGHTS

### (CDDH)

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### Online Platform for Human Rights and Business

#### Introduction

1. In light of the terms of reference received from the Committee of Ministers for the biennium 2018-2019,<sup>1</sup> the CDDH is called to exchange views at its 89<sup>th</sup> meeting (19-22 June 2018) on the follow-up to its work on human rights and business.
2. At its last meeting (5-7 December 2017) the Secretariat presented document CDDH(2017)09 detailing in broad terms a plan for a digital platform alongside national training, as is planned in Recommendation CM/Rec(2016)3 on Human Rights and Business. Members were invited to provide feedback on the proposal and to consider voluntary contributions by which this project will be funded.
3. This document will provide an update on the current priority areas for work on the project and some updated activity suggestions.

#### I. Description of on-going work

##### **a) Information Platform**

4. Consultations have been conducted with various potential partners and other actors working in the field of business and human rights, and in-house experts on data collection. The main areas discussed were the input and support by interested partners in the development of the questionnaire/information gathering process (while avoiding duplication with similar initiatives), and what topics within the field to focus on.
5. Given that an extensive amount of work has been done by other actors in the collection and discussion of National Action Plans (NAPs), it is recommended that the platform should ensure the information collected provides added value and does not duplicate existing initiatives.

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<sup>1</sup> See the Terms of Reference (2018-2019): Main Tasks, item (ii) "*follow the implementation of the non-binding instruments that it has prepared as well as conventions for which it has been given supervision by the Committee of Ministers*".

6. In particular the Danish Institute for Human Rights (DIHR) has developed a platform displaying the content of the majority of NAPs both in Europe and around the world. However that platform is restricted to the NAPs and their content, with some details on their development process. Therefore this project could focus more on the follow-up to established NAPs, promoting and – upon submissions of details by the CoE member States- detailing the actions that have actually taken place stemming from the NAPs, or practices and challenges in general.
7. In Relation to the above DIHR platform, there could be a possibility of information sharing or simply a link from one to the other to ensure that while the CoE platform will focus on certain aspects, the information contained in the DIHR platform is duly referenced to provide the relevant context and detail to the user.
8. In cases where the NAP is under development or there is none, the platform could provide generic templates or guidance on the development process and the other initiatives and actions that are taking place to implement the CM Rec and the United Nations Guiding Principles.
9. It was also discussed with the European Fundamental Rights Agency (FRA) that the topic of access to justice has been the subject of much work by other actors, and while the Council of Europe has considerable expertise and knowledge to offer in this area, care should be taken not to merely duplicate previous work. A notable example is FRAs current work on corporate level grievance mechanisms, which the current project could build on and support by looking beyond EU members.
10. It was also noted that the Council of Europe's geographical scope is an asset, and so ensuring due involvement and promotion is given to the initiatives and involvement in non EU member States would provide added value to the current information and research in this field.
11. The dialogue identified a number of topics of interest for the platform, such as issues arising in the State-Business nexus; building on the topic of stakeholder engagement from the previous 2016 high-level seminar, ensuring domestic and regional policy coherence, and initiatives enabling and securing due diligence by business entities.
12. The information gathering aspect must also not become too burdensome on States and complementary to information already gathered by DIHR –or FRA-, yet still yield information of sufficient detail and quality, therefore input by States into the topics or format of the data collection is welcome.
13. Currently, the CoE has an online platform which mainly hosts online courses developed under the CoE HELP Programme (Human Rights Education for Legal Professionals). This platform can nevertheless host other initiatives. Technically, the HELP platform is enabled to host sub-platforms, one of which can be the information platform on business and human rights<sup>2</sup>. This will ensure value for money and speed up the launch of such a platform,

## **b) The HELP Course on Business and Human Rights**

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<sup>2</sup> Due to the current financial situation, and the high cost and the complexity of building online platforms, the CoE is trying to optimise its (HELP) platform to act as a CoE umbrella online platform to also host other CoE initiatives (f.i. internal training sessions for CoE staff).

14. The above-mentioned HELP course has been launched this year in Ireland and in France, and has previously been launched in Albania, Italy, Russia, Serbia, and the United Kingdom. The feedback from the national tutors and the course participants is being used to identify the areas for improvement. The model course can be updated to include more contemporary issues under discussion, and optional modules can be added.
15. Currently an additional module on “Human Rights Risk Management for Business” has been partially developed and could be completed and added to the course. Other modules or course updates can include a focus for lawyers on how to advise companies on their human rights obligations, further focus on the jurisprudence in business and human rights cases, businesses as human rights victims, and resolving extraterritorial and cross border issues.
16. The course would also benefit significantly from a technical update, to match the more modern HELP courses and improve the user experience.
17. Following the necessary updates, the course will be re-launched and national adaptations will be created. Cross-border launches (where participants from 2-3 Member States and national courses attend the same kick-off) can be used as they have the effect of enabling greater networking between participants, foster peer learning, and further promote the exchange of knowledge and practice on the topic.

#### **Next working steps**

18. Following the receipt of funds for the project the following steps are for immediate action:

#### **a) Information Platform**

19. The questionnaire/data collection method will be developed. This can be done using the expertise in-house and the support of other organisations. A preliminary draft questionnaire is underway and will be reviewed by relevant colleagues and partners to ensure its suitability content and methodology accurately reflects the desired output.
20. The data collection process itself will be done via the existing HELP platform, which provides the suitable IT tools to enable online submissions and data export.
21. Once this questionnaire has been developed and tested it will then be sent out to States for their submissions.

#### **b) HELP Course Update.**

22. The course has undergone a preliminary review and will be the subject of a moderate update in-house. This will be mainly condensing and editing the course in its current form. However in order to perform the significant updates, relevant experts will have to be contracted and given the time to work on the content. It is with their support that additional modules or new content could be developed.
23. With sufficient funding, a technical update to the course will be performed, modernising the interface and improving the user experience. This will be done through an e-learning company following the update of the content.

#### **Additional Activities**

24. A potential idea that was raised has been the inclusion of in-depth academic research to supplement the information produced by the platform and to further contribute to the expertise and discourse on practice in this field. This is a preliminary idea and further discussion on such an initiative is necessary. The Secretariat will be attending the workshop *Securing Sustainable and Accountable Business in Europe: the role of National Action Plans (NAPs)*, in Edinburgh, United Kingdom (June 5<sup>th</sup>) where further discussion with potential partners will be possible on elaboration on this or any additional activities that may be of value.
25. Also discussed was the idea of a number of workshops that would bring together the various stakeholders and practitioners, including the private sector, with a strong focus on practical issues and solutions in the field of Business and Human Rights. These workshops will also promote practitioner exchanges and the building of professional networks in order to aid in the practical implementation of the UNGPS and the CM Rec. These could take place in a number of member States so as to have a focus on domestic practices and situations, and focus on local networks. These could also be held in conjunction with the national adaptations of the HELP course, further promoting networking, peer exchanges, and providing additional expertise for the participants of the course.
26. Both these ideas however are dependent on the funding received and while they may improve the outcomes and impact of the platform and the Council of Europe's work on the topic, they are not essential at this stage. However should any Members have a particular activity proposal or interest in a certain activity, they are welcome to raise this with the Secretariat.
27. Members are reminded that this project relies on voluntary contributions and so the full range of activities is dependent on the amount of funding received. Many of the individual activities for this project are flexible and scalable ( eg the extent of the course updates and number of course launches; the scope and detail of the information platform) and therefore the full scale and results of the project will vary on the total funding received.

## ANNEX I

### Potential Timeline and Itemised Budget

#### Simple Workflow

Month	1-3	4-6	7-9	10-13	14-17	18
Platform	Development of Questionnaire	Reply to Questionnaire	Processing of Replies	Follow Up if necessary	Development of Display dashboard	Publication of Results
HELP Course	Review of Course and formation of working group	Update of course	Update of Course	Launching of national versions	Launching of national versions	Launching of national versions

#### Budget

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