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Eleventh session of the Forum on Business and Human Rights

Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises*

Summary

The Working Group on the issue of human rights and transnational corporations and other business enterprises provides an overview of key observations and messages emerging from the eleventh Forum on Business and Human Rights, held in a hybrid form from 28 to 30 November 2022. The theme of the eleventh session of the Forum was “Rights holders at the centre: strengthening accountability to advance business respect for people and planet in the next decade.”

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter’s control.



I. Introduction

1. Since its first session in 2012, the Forum on Business and Human Rights has become the world's largest event on business and human rights. It was established by the Human Rights Council in its resolution 17/4, in which the Council also endorsed the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework.¹ The mandate of the Forum is to discuss trends and challenges in the implementation of the Guiding Principles; promote dialogue and cooperation on issues linked to business and human rights, including challenges faced in particular sectors or operational environments, or in relation to specific rights or groups; and identify good practices.

2. The Forum is organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and guided and chaired by the Working Group on the issue of human rights and transnational corporations and other business enterprises. The present report was prepared by the Working Group in accordance with Human Rights Council resolution 44/15, in which the Council invited the Working Group to submit a report on the proceedings and thematic recommendations of the Forum to the Council for its consideration.

3. The programme of the Forum consisted of 25 sessions organized by the Working Group and OHCHR in collaboration with external partners. In the present report, the Working Group provides a broad overview of the Forum and the key messages emerging from the discussions that took place over three days. It should be read together with the programme, session concept notes, statements and session web recordings, which are available on the website of the Forum.² Owing to conditions related to the coronavirus disease (COVID-19) pandemic, the Forum was held in a hybrid format.

4. The Forum took place in the context of the Working Group's activities relevant to the theme of the Forum, including its reports on corporate capture³ and on heightened human rights due diligence in conflict-affected areas,⁴ as well as its engagement in regional forums and communications on human rights abuses. The Forum explored several topics that will be the focus of upcoming Working Group reports and knowledge products, including development finance institutions, the extractive sector, climate change, intersectionality and the role of investors in the issue of business and human rights.

5. The theme of the eleventh Forum was "Rights holders at the centre: strengthening accountability to advance business respect for people and planet in the next decade." Participants in the Forum took an active part in placing access to remedies for victims of business-related human rights abuses at the heart of the Forum, with a specific focus on the impact that business operations are having on the environment.

6. The programme included sessions dedicated to trends, challenges and emerging practices in Africa, the Asia-Pacific region, Eastern Europe, Latin America and the Caribbean and the Western Europe and other States region. There was a focus on groups and sectors in particularly vulnerable situations, such as Indigenous Peoples and conflict-affected regions. The Forum also included a number of thematic sessions dedicated to specific issues, including the role of investors; the connection between the climate crisis and business and human rights; the key role of human rights defenders; the alignment between the business and human rights agenda and the technology sector; ways in which to prevent and address business-related human rights abuses in conflict-affected settings; the challenges and the way forward for business in preventing and addressing discrimination in relation to the intersectionality of various factors such as gender, sex, age, sexual orientation, nationality, ethnicity, social status, disability and religion; and efforts to improve access to effective and gender-responsive remedies for victims of business-related human rights abuses. As 2021 marked the tenth anniversary of the Guiding Principles on Business and Human Rights, the eleventh Forum also contributed to the Working Group's Guiding Principles road map for

¹ A/HRC/17/31, annex.

² See <https://www.ohchr.org/en/events/forums/2022/11th-un-forum-business-and-human-rights>.

³ A/77/201.

⁴ A/75/212.

the next decade of business and human rights aimed at scaling up implementation of the Guiding Principles over the course of the next decade and providing regional approaches to implementation.⁵

7. More than 2,500 participants from 130 countries and a wide range of stakeholders registered for in-person and virtual participation in the Forum (see table below). In addition, a number of other people from around the world followed the livestream of the Forum sessions on UN Web TV. The hybrid format helped to ensure that an even wider and more diverse range of stakeholders from all regions could follow and participate in the sessions. Over 64 per cent of registered participants and over 58 per cent of those with official speaking roles identified themselves as women.

<i>Category of participating stakeholders</i>	<i>Percentage</i>
Academic institutions	13
Civil society organizations, affected stakeholders, trade unions and Indigenous Peoples' groups	30
Multi-stakeholder initiatives	3
National human rights institutions	2
Private sector (business enterprises, business/industry associations, consultancies, law firms, investors)	30
States	11
Trade unions	1
United Nations entities/intergovernmental organizations	10

8. The Forum opened with a plenary session, which included members of the Working Group, senior leaders from the United Nations and other international organizations, an Indigenous human rights defender, a member of the European Parliament, the President of the Inter-American Court of Human Rights, the Chief Commissioner of the National Human Rights Commission of Mongolia and a business representative. The session set the scene around the theme of the Forum and helped to create the tone for a constructive and solution-oriented dialogue over the three days of the Forum.

II. Key messages from the opening plenary session⁶

9. The plenary session was opened by the Chair of the Working Group. The Chair welcomed participants who had travelled to the Forum in person and highlighted the Working Group's delight that the Forum continued to attract a broad and diverse range of people from across the world. The Chair stated that communities and persons who had been most vulnerable historically should be at the centre of and serve as a guide in the design of regulations on business and human rights. The Chair also stated that the Guiding Principles on Business and Human Rights were very clear that there was a need to listen to the voices of rights holders and that their voices should be included in all accountability mechanisms. The Chair noted that it was not sustainable for businesses to consider human rights considerations above profit and without adequate accountability and honest reparations for any harm done. The Chair indicated that implementation of the Guiding Principles by States and business had not yet been satisfactory and that human rights violations persisted and were deepening due to the ongoing effects of COVID-19 and the climate crisis.

10. The Chair of the Working Group stressed that monitoring and accountability of corporate activity was a major concern and that human rights defenders continued to work in

⁵ See <https://www.ohchr.org/en/special-procedures/wg-business/ungps-10-roadmap-next-decade-business-and-human-rights-project>.

⁶ See <https://media.un.org/en/asset/k11/k118iqx2uy>.

unacceptably high-risk environments. The Chair indicated that judicial harassment through strategic litigation was increasing to silence the voices of human rights defenders and that States and businesses, including financial and investment institutions, needed to step up to provide better protection for this vital work. The Chair also noted the need for mandatory measures domestically and internationally, indicating that legislation was the most important factor in responsible corporate behaviour.

11. The Chair of the Working Group stressed that an honest, multi-stakeholder conversation about gaps and challenges was needed, highlighting the importance of a multi-stakeholder dialogue and the role of civil society and other stakeholders in pinpointing risk situations. Finally, the Chair noted that the objective of the Forum was to provide a platform to enable all voices to be heard in order to contribute to a collective approach towards business and human rights.

12. The Deputy High Commissioner for Human Rights highlighted the need to clarify standards of business practices for all stakeholders to have a basis on which to support their claims for effective remedy. The Deputy High Commissioner also emphasized that these standards must align with the Guiding Principles on Business and Human Rights and that all States had a responsibility to protect from business-related human rights abuses, including those related to environmental impacts. The Deputy High Commissioner suggested that States and public enterprises could enact strict sustainability requirements in their procurement contracts and called on States and businesses to step up to protect human rights defenders.

13. The Assistant Director General (Jobs and Protection) of the International Labour Organization pointed out that the international community needed to look at economic growth, social deficit and climate change challenges. The speaker also noted that business had a large role to play in complementing social security systems and helping to stimulate the development of such systems. The speaker noted that the international community must work to strengthen the capacity of employees and trade unions, and support more effective industrial relations. The speaker also stressed that businesses were not living up to the international standards that were being set in terms of labour and that enterprises must align their policies and practices with the key international human rights instruments.

14. The President of the Inter-American Court of Human Rights indicated that the Court had issued significant jurisprudence related to business and human rights. The President noted that the Guiding Principles on Business and Human Rights had served as a guide to interpret business responsibilities and that the Court had been a pioneer in considering the duty of States to protect and the responsibility of businesses to respect the human right to a healthy environment. The President indicated that the Court had recognized that the responsibility of business to respect human rights applied to all businesses, independent of their size, sector, operational context, ownership or structure. The Court had also historically recognized that reparation measures not only included indemnification but also integral reparations, namely that the Court had highlighted, among other things, the need for rehabilitation and restitution, the obligation to investigate and try the perpetrators and the guarantee of non-repetition.

15. An Indigenous human rights defender, emphasized that, while implementation of the Guiding Principles on Business and Human Rights had contributed to awareness of the rights and concerns of Indigenous Peoples, more decisive actions at the national and local levels by States and business were urgently needed in relation to the United Nations Declaration on the Rights of Indigenous Peoples and the realization of the rights of Indigenous Peoples. The speaker also noted that mining and energy projects and agribusiness practices had resulted in forced displacement and the destruction of the livelihoods, food systems and cultural heritage of Indigenous Peoples, which in turn had resulted in massive land and environmental degradation. The speaker also stated that when Indigenous Peoples defended their land and rights, they were often met with violence and intimidation. That included threats and serious human rights violations, such as killing, arbitrary arrest, torture and violence against women and girls. The speaker noted that businesses must respect Indigenous rights through several actions, including stopping the criminalization of Indigenous human rights defenders, establishing effective accountability measures for businesses and ensuring the meaningful

participation and inclusion of Indigenous Peoples and collective rights in national action plans on business and human rights.

16. A member of the European Parliament noted that the European Union corporate sustainability due diligence directive would cover the 27 member States of the European Union, the European economic market and all sectors by the end of 2023. The speaker noted that voluntary measures had not been sufficient and that their impact had been too limited. The speaker also noted that binding legislation was needed to put rights holders at the centre. The speaker stated that the international context of crises, in this instance COVID-19, war, inflation and possible recession, often led to a political context where there was resistance to the adoption of policies and laws that asked more of business. The speaker indicated that questions remained in relation to the directive in regard to rights holders, the value chain, liability, how to define issues such as harm and what the scope of the directive would be. The speaker stressed that if those questions could be resolved, the European Parliament hoped to come to an agreement by the end of 2023, requiring large companies to adhere to a due diligence law by 2025 and small and medium-sized enterprises by 2027.

17. A business representative noted that stakeholders often raised controversies and accused business of wrongdoing, to which businesses did not want to admit, instead focusing on publicizing their good policies. The speaker noted that undertaking sincere and meaningful consultations would bridge this gap and allow business to engage effectively on business and human rights issues. The speaker emphasized that collective action was needed to bring everyone to the same table and align the responsibilities and accountabilities of stakeholders, and that the only way forward was together, with courage and transparency.

18. The Chief Commissioner of the National Human Rights Commission of Mongolia stated that the Commission had been working with international partners to develop a national action plan and had conducted over 20 regional and thematic consultations to ensure a consultative process for the plan. The Chief Commissioner emphasized the direct responsibility of States as primary duty holders to combat corruption, fight against climate change and ensure social justice and equality.

19. A speaker from the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery highlighted the need to strengthen the perspectives of rights holders in policymaking, especially in context of the climate crisis. That specific issue needed to be addressed by States and business mutually deciding on policies and action in consultation with rights holders. The speaker noted that the role of business should be to enable States to adopt anti-human rights policies, rather than support or coerce them. The speaker stressed that freedom of association was critical for allowing the perspectives of rights holders to be heard in the development of policy and initiatives. The speaker also emphasized that civil society was a critical element in the discussion on putting rights holders at the centre and had an extremely important role in providing redress and rehabilitation to rights holders. The speaker stressed that as a result, civil society must be better supported and protected from threats and violence.

III. Rights holders at the centre: strengthening accountability to advance business respect for people and planet in the next decade

20. A number of sessions focused on current, emerging or systemic issues in the business and human rights agenda. The structure below largely follows the order in which the sessions were held.

A. Human rights defenders

21. In a session dedicated to the essential role of human rights defenders for business accountability, speakers called for more action from all stakeholders, including businesses and States, to protect human rights defenders and prevent their harassment, persecution and prosecution. The Chair of the Working Group highlighted a report presented by the Working

Group to the Human Rights Council on ensuring respect for human rights defenders⁷ and noted that the Guiding Principles on Business and Human Rights stressed the importance of human rights defenders, for example in human rights due diligence processes. On the one hand, speakers emphasized the necessity for business to ensure safe environments for human rights defenders, with a view to identifying and preventing risks to them, as many communities relied on the bravery and courage of human rights defenders. On the other hand, speakers also highlighted the responsibility of States, for example in establishing mechanisms to protect human rights defenders and hold accountable those harassing, prosecuting and killing them. Speakers discussed how those who fight against corruption should also be considered human rights defenders and how systematic patterns of attacks on human rights defenders were harmful for communities. One participant highlighted the particularly difficult situation of Indigenous human rights defenders and that business needed to understand that respecting the rights of Indigenous Peoples was not optional. Speakers also noted the importance of stakeholder engagement and human rights due diligence in preventing human rights abuses so that businesses could better understand the human rights risks of their activities. A business representative agreed, indicating that a company that focused solely on profit betrayed itself and society, and that respect for human rights should be embedded in business operations and value chains. Participants also urged States to review their legal frameworks to ensure their alignment with international human rights frameworks. Finally, speakers encouraged those in the room and watching online to work with human rights defenders and engage with them in their important work.

22. The Forum also featured a presentation by the Human Rights and Business Award Foundation recognizing the work of human rights defenders and presenting the 2022 award to the Oil Workers' Rights Protection Organization in Azerbaijan.⁸

B. Indigenous Peoples

23. In a session dedicated to ending the criminalization of Indigenous human rights defenders, speakers discussed the attacks that Indigenous Peoples increasingly faced when defending their rights in the context of business activities. Indigenous representatives from different regions of the world shared their experiences and concerns with respect to escalating systematic threats, stigmatization and attacks, including killings and criminalization. Speakers discussed the role of racial discrimination and structural racism and emphasized that an increased use of strategic lawsuits against public participation had silenced Indigenous Peoples. Speakers indicated that the economic sectors that were most likely to impact the rights of Indigenous Peoples included the extractive and renewable sectors, in particular hydroelectric projects. The lack of consultation and free, prior and informed consent had aggravated conflicts and tension between Indigenous Peoples and business and had put Indigenous Peoples even more at risk. Participants noted that the actions of States were an important element in ensuring that Indigenous Peoples could exercise their rights safely. The adoption of national action plans, the ratification of the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the creation of mandatory human rights due diligence were highlighted as critical measures that States could take to address some of those concerns. Speakers agreed that mandatory human rights due diligence was a significant tool for eradicating barriers to accessing remedy and preventing and mitigating human rights impacts before they escalated. With regard to business actions, speakers noted that respect for human rights needed to be internalized by businesses in their operations and that participatory processes needed to be redesigned to ensure the significant participation of Indigenous Peoples, including obtaining their consent. A mining association shared its practice of including performance expectations specific to Indigenous Peoples and its policy on Indigenous Peoples, which included a commitment to obtain their free, prior and informed consent and implement the Guiding Principles on Business and Human Rights. Speakers also noted the importance of empowering businesses led by Indigenous Peoples and investing in such initiatives.

⁷ [A/HRC/47/39/Add.2](#).

⁸ See <https://www.humanrightsandbusinessaward.org/award-recipient/>.

C. Investors

24. In a session dedicated to strengthening the accountability of investors for business and human rights, participants discussed the growth of sustainable investing and the need to incorporate business and human rights in environmental, social and governance approaches. Speakers noted that the focus of such approaches was often on the risks to business, not to communities. Speakers also discussed how environmental, social and governance rankings were aggregated, so that a good ranking on environmental performance could outweigh a poor human rights record. In addition, speakers remarked that environmental, social and governance approaches tended not to look at cross-cutting problems. Speakers emphasized that a holistic perspective should be adopted in investment activities, as human rights was cross-cutting to environmental, social and governance approaches. Representatives of asset owners and asset managers shared the practices employed to ensure respect for human rights in their investment activities. For example, one investor had used its leverage to ensure that a company provided remedy for human rights impacts linked to a collapsed dam and highlighted the importance of engagement with affected stakeholders. That specific experience had underscored the importance for the investor to engage with the business itself in the remedy process, including through proxy voting. Speakers noted that investors should use their leverage to ensure that the businesses they invested in had effective grievance mechanisms and understood human rights issues. Another experience mentioned by participants showed that investors undertook human rights risks assessments before investing and that they identified the high-risk elements of their portfolios and supply chains. Nonetheless, speakers conceded that there was a need for increased action from investors on human rights, including through relevant engagement with stakeholders. In addition, speakers noted that investors should ensure that they placed human rights at the centre of policymaking and established their own investment-level grievance mechanisms.

D. Gender and diversity

25. In a session dedicated to gender and diversity and how to incorporate an intersectional lens on business and human rights, speakers agreed that the intersecting identities of historically marginalized populations must be incorporated when making decisions, and that this intersectional perspective needed to include the perspectives of black, Indigenous, disabled, LGBTIQ+ and non-binary people, among others. One speaker called for the inclusion of people with disabilities and stated that while challenges included the visibility and complexity of different types of disabilities, a more inclusive workplace culture could help overcome these difficulties. Another speaker stressed that transgender and non-binary people were often criminalized and highlighted the need for the adoption and effective implementation of anti-discrimination laws. Speakers also discussed how the inclusion of LGBTIQ+ individuals was both a business and an economic issue, and considered whether the international community should seek to find ways to condemn businesses operating in countries that did not uphold the rights of the LGBTIQ+ community. A speaker also indicated that many businesses operated in Indigenous territories and were complicit in the violence perpetrated against Indigenous women and girls, and pointed to the nexus between violence against women and girls, the extractive industries and climate change. Speakers noted that States should ensure the implementation of gender-sensitive national action plans in meaningful consultation with all stakeholders.

E. Confronting racism

26. During a session dedicated to confronting racism to catalyse the business and human rights agenda, speakers discussed the absence of effective remedies to tackle systematic and institutional discrimination within the context of business and human rights. One speaker identified three sources of harm: direct harm linked to businesses, indirect harm resulting from business activities and harm caused by the failure of preventative measures. Speakers observed that current remedies primarily focused on individual harms and did not consider the specific needs of racial groups, nor did they offer systematic remedies. Moreover, certain communities affected by racism lacked legal aid and assistance, and submitting collective

complaints could be challenging or even impossible under some legal systems. One participant noted that biases, both conscious and unconscious, might impact the institutions tasked with protecting people against racism and highlighted the need to recognize such trends and establish effective remedies. Speakers argued that a racial justice lens should be applied to business and human rights issues and called for an intersectional approach that would address power imbalances resulting in marginalization, with a focus on the lived experiences of victims. To ensure that anti-racism work was incorporated into the business and human rights agenda, speakers emphasized the importance of providing knowledge, education and funding to marginalized communities. For instance, one speaker highlighted a project in Brazil that provided black women entrepreneurs with training in entrepreneurship, employability and business digitalization. Another speaker drew attention to the legislative efforts in South Africa to address racism, especially in the workplace, and noted that the country's equality courts handled cases related to unfair discrimination, hate speech or harassment. Overall, participants stressed the need for effective remedies that recognized the diverse experiences of victims of racism and acknowledged the role of business and human rights in addressing systemic discrimination.

F. Development finance institutions

27. During a session on new and emerging trends in development finance to inform an upcoming Working Group report on development finance institutions, speakers noted that challenges in this area included a lack of access to remedy, the need to consider supply chains and resourcing issues when designing safeguards and the need for more financial aid for developing countries. Among the good practices that had emerged were a growing number of development finance institutions that had committed to safeguards, the use of risk management tools tied to the Guiding Principles on Business and Human Rights and specific human rights commitments. One speaker suggested that undertaking a gap analysis of development finance institutions could provide vital information. Another speaker remarked on the high level of investment that would be needed to achieve the Sustainable Development Goals (circa \$6.3 trillion per year) and how that investment would need to increase (to circa \$7 trillion per year) to be in alignment with the Paris Agreement on Climate Change. The speaker highlighted the work of the Organisation for Economic Co-operation and Development (OECD) since 2015 on responsible conduct in the financial sector, with the goal of translating the recommendations of the OECD Guidelines for Multinational Enterprises for use by financial service practitioners. Speakers also discussed how safeguards provided guidance both for development finance institutions and for clients, and noted the importance of those safeguards being contractually binding for clients.

G. Extractive and energy industries

28. In a session dedicated to leveraging a human rights approach in the extractive and energy industries, speakers noted that the climate crisis was resulting in impacts on local communities. Participants emphasized that conflicts involving mining companies were growing, that there was a lack of protection of Indigenous Peoples and that the Guiding Principles on Business and Human Rights were still not fully operational in many States where extractive operations were taking place. Speakers stated that there should be increased stakeholder engagement with communities in the context of business activities and that the energy transition was taking place slowly. They also noted that there was a lack of preventative measures against negative human rights impacts by business and that accountability for business impacts must be strengthened. Speakers also noted that there was a lack of transparency in the extractive sector and that civil society participation was not yet fully integrated into business activities. Speakers stated that business was still failing to hold meaningful discussions with local communities and that the work on digital education must be amplified. Speakers stated that they had seen an increase in demand for minerals and that this demand had contributed to increased social conflicts in the territories where projects were located. Speakers emphasized that business should engage in regular consultations with Indigenous communities based on the free, prior and informed consent principles. They also noted that the free, prior and informed consent principles should be considered in the internal

policies and human rights due diligence of businesses. Speakers stated that in Latin America the inclusion by businesses of the free, prior and informed consent principles was a slow process and that the energy matrix continued to depend on fossil fuels. Participants also stressed that it was important to include Indigenous Peoples in the decision-making process concerning laws and regulations.

H. Technology sector

29. In a session dedicated to mandating responsible business conduct in the technology sector against the backdrop of rapid growth in the sector, which remained largely unchecked and unregulated, speakers discussed regulatory and policy initiatives at the national and multilateral levels regarding the development and use of digital technologies, and how those efforts should be informed by and be in line with the Guiding Principles on Business and Human Rights. At the regional level, one speaker shared the experience of developing the European Union Digital Services Act, which had two fundamental objectives: to create a safe digital space in which the fundamental rights of all users of digital services were protected and to establish a level playing field to foster innovation growth and competitiveness, in both the European and global markets. Another speaker provided perspectives on the ongoing processes of the development of regulation of artificial intelligence and the specific challenges that technologies imposed on regulators, including the requirement that policies not curtail innovation; the uncertainty of the risks posed by new technology; the difficulty of timely regulation once technology had been absorbed into social life; and having the necessary expertise in the technology that was being regulated. The speaker noted that those challenges had contributed to the decentralization of regulation away from the State and towards business. Another speaker focused her intervention on a tool currently developed by the OHCHR B-Tech project, namely the UNGPs Compass, which is aimed at informing policymakers when regulating technology and guiding them towards policy and design choices which are aligned with the Guiding Principles on Business and Human Rights.⁹ A business representative emphasized that regulations could be helpful by providing legal certainty and clear guidelines of expectations for business. The speaker also highlighted the need for harmonization of legislative instruments and noted that the Guiding Principles set a principled approach that could be applied regardless of the market or local context in which businesses operated. Another speaker pointed to the need for technology regulations to be aligned with the Guiding Principles to ensure policy coherence. One speaker commented that technology regulation must also be future-proof, given the evolving nature of the industry, while remaining clear, precise and predictable. Another speaker indicated that beyond providing a list of forbidden acts and consequences for non-compliance, regulating the technology industry should include strong human rights and environmental due diligence requirements across the whole value chain. The speaker noted that this was particularly key for downstream and end-use human rights impacts, and that human rights due diligence had to be built on adequate stakeholder engagement throughout the process of the development, deployment and end use of digital products and services, including engagement with human rights defenders, digital rights experts, affected communities and groups in vulnerable situations.

I. Access to remedy

30. In a session dedicated to new frontiers in access to remedy, participants representing business, civil society and national human rights institutions discussed access to judicial, institutional and other remedies. One speaker indicated that settlements after a judicial process could sometimes have negative impacts and that businesses often perceived remedy as charity rather than recognizing their responsibility to rights holders. Another speaker highlighted the difficulty that arose for communities when businesses promised compensation but did not follow through. One speaker noted the importance of permanent grievance mechanisms and that businesses should establish internal mechanisms to enable

⁹ See <https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/2022-12-19/Summary-Note-B-Tech%20Annual-Forum.pdf>.

access to remedy. Speakers also highlighted the importance of putting rights holders' perspectives into the design of remedial mechanisms. Speakers emphasized that enabling dialogue between business and communities was necessary to achieve access to remedy, as collaboration and multi-stakeholder partnerships were key to creating change. Other speakers highlighted the need for communities to have access to resources, including legal and technical advice and financial resources, so as to be able to pursue access to remedy and compensation. Speakers stressed the key role of civil society organizations in helping communities access such resources and thus achieve access to remedy.

31. During a session on the importance of rights holders' perspectives in the design of remedial mechanisms, speakers discussed the Fair Food Program and the worker-driven social responsibility model it helped to spawn, which empowered workers to play a key role in the monitoring and resolution of abuses of their rights. The Fair Food Program was created by farmworkers in Immokalee, Florida, to change the power dynamics within the agricultural industry through binding agreements with buyers to suspend purchases from growers when certain abuses had been uncovered. The programme relied on worker-to-worker education about their rights and a strong, independent mechanism capable of receiving and addressing complaints at all times and of conducting deep-dive audits. Speakers noted the effectiveness of the model and its benefits to business over traditional auditing schemes, including how it helped to ensure that human rights were protected in supply chains. Speakers also discussed the expansion of the worker-driven social responsibility model to different industry and country contexts.

J. Respect for the planet

32. During the session on climate action and environmental protection, speakers emphasized that a lack of transparency and the exclusion of rights holders in decision-making processes were major obstacles in addressing the climate crisis. They pointed out that a lack of information and transparency led to greenwashing by businesses. Speakers also noted that social dialogue often centred on certain issues and did not contribute to progressing climate action. One speaker indicated that environmental human rights defenders faced challenges, such as being silenced or limited by fear of the security forces, and Indigenous Peoples faced difficulties when engaging with business. To overcome these challenges, speakers provided a number of recommendations. They noted that youth and Indigenous Peoples should be involved in the planning process for a new business operation. Speakers stressed that businesses must consider the impact they had on Indigenous Peoples and that States needed to engage with them and support their participation in decision-making processes. Speakers also indicated that States should establish a platform of social dialogue to address human rights and environmental issues, negotiate regulatory frameworks and respond to global crises. One speaker recommended pursuing international climate litigation and working with the media to tell important stories. Another speaker also stressed that capacity-building programmes should be implemented to further knowledge for effective climate litigation and that a clear and concise plan on a carbon credit market should be discussed, with community involvement.

K. Update on the process to elaborate a legally binding instrument on business and human rights

33. With regard to the legally binding instrument on business and human rights under development by the United Nations, a range of speakers discussed the main elements to include in the future legally binding instrument to promote and facilitate respect for and protection of human rights in the context of business activities. Participants also discussed how States and other stakeholders could contribute constructively to building a consensus around the draft legally binding instrument. To do so, participants commented on the third revised draft¹⁰ and on the proposals for selected articles of the legally binding instrument by the suggested Chair of the open-ended intergovernmental working group on transnational

¹⁰ <https://www.ohchr.org/sites/default/files/LBI3rdDRAFT.pdf>.

corporations and other business enterprises with respect to human rights.¹¹ Participants also engaged in stocktaking and lesson-sharing on how binding and non-binding measures could complement and reinforce each other in the light of the conclusions of the eighth session of the open-ended intergovernmental working group and the recommendations of its Chair-Rapporteur, as well as recent legal developments, trends and good practices in preventing and addressing business-related human rights abuses. For example, several speakers noted that a combination of mandatory and voluntary measures was necessary to realize the protection of human rights in the context of business activities, in line with a “smart mix” of measures called upon under the Guiding Principles on Business and Human Rights.

34. One speaker remarked that the process had made important advances since the zero draft of the legally binding instrument in 2018, with a technical level that proved that it was possible to generate legal, mandatory solutions to avoid business-related human rights abuses and guarantee access to justice and effective remedy for victims. There were discussions around the necessity for the European Union as an entity to participate in the treaty negotiation sessions in the context of the upcoming corporate sustainability due diligence directive and other European Union draft legislation, but that that should not preclude European Union member States from participating individually. Some speakers underscored the need for the legally binding instrument to have the broadest possible scope, covering all business activities. Another speaker noted that addressing the power imbalance between victims and businesses in legal proceedings was a key issue that should be tackled by the legally binding instrument, including in relation to the burden of proof. Speakers also discussed opportunities for the legally binding instrument to be better aligned with and complementary to the Guiding Principles on Business and Human Rights, and for it to create coherence across human rights and environmental due diligence. One speaker stressed the importance of the focus in the current draft on women and girls, children, Indigenous people, persons with disabilities, people of African descent, older persons, migrants, refugees and human rights defenders. That speaker also highlighted the importance of including all sectors in the scope of the instrument, including financial institutions and investment funds, as well as the technology sector. Another speaker remarked on the need to include experts in private international law in the negotiations. Lastly, a call was made for broader and more constructive engagement from all countries, including in the Global North.

L. Mandatory human rights due diligence: Global South perspectives

35. One session was dedicated to advancing mandatory human rights due diligence with a focus on Global South perspectives and featured an exchange of experiences on mandatory human rights due diligence between representatives from Africa, Asia and Latin America. Speakers discussed the opportunities presented by national action plans for mandatory human rights due diligence. In Kenya, the national action plan outlined the country’s priority of addressing business and human rights-related gaps and raising awareness and building capacity among key stakeholders. One speaker noted that those elements were critical for any initiatives on mandatory human rights due diligence. Another speaker noted that a bill on business and human rights, with provisions on human rights due diligence, was under discussion in the Congress in Brazil. The speaker noted that the bill tackled, among other salient issues, free, prior and informed consent; comprehensive reparations based on the jurisprudence of the Inter-American Court of Human Rights; the oversight competence of trade unions; and the creation of a fund for reparations. In Thailand, different initiatives might pave the way for mandatory human rights due diligence, including the national action plan, the economic, social and governance non-financial disclosure law, various capacity-building programmes for business and the development of a study on mandatory human rights due diligence. Rights holders emphasized that mandatory human rights due diligence initiatives should not lead to a simple “tick the box” exercise for business. Speakers noted that the rights of Indigenous Peoples should be explicitly mentioned in such initiatives, so that that they participated in the decision-making process and were not only perceived as victims. According to some speakers, mandatory human rights due diligence was an opportunity to reverse the trend of worsening human rights abuses and to advance the contribution of

¹¹ [A/HRC/WG.16/8/CRP.1](#).

Indigenous Peoples to protecting the planet. An additional issue raised by speakers related to the fact that many standards were only mandatory for listed companies or taken on board by multinational enterprises but that the majority of businesses were small and medium-sized enterprises. Speakers indicated that this issue should be addressed by human rights due diligence regulations. One speaker also explained how mandatory due diligence regulations in the European Union might have an impact on the Global South. For example, the forthcoming corporate sustainability due diligence directive was likely to impact third countries, including through the supply chain of European Union businesses or new obligations for businesses exporting to the European Union.

M. Conflict situations

36. In a session dedicated to advancing business actions on human rights in conflict situations, speakers noted that heightened human rights due diligence was needed to prevent and address business-related human rights abuses in conflict and post-conflict situations. One speaker stressed the importance of employee safety in conflict situations and the additional corporate responsibility of the provision of essential goods and services. Another speaker pointed out that business activities had been heavily impacting marginalized communities in Africa by exploiting and neglecting them. The same speaker stated that social media was becoming a source of polarization and, in some cases, violence, and that it was difficult to build peace in conflict-affected regions as hate speech, vandalism and fake news continued to increase. Business representatives discussed different strategies for terminating business activities in conflict situations, with a focus on a human rights-based approach and the protection of employees. Speakers noted the importance of heightened human rights due diligence during conflict situations, with one speaker describing a heightened human rights due diligence checklist for businesses, which should include an understanding of early warning signs of conflict and when, why and how to do business in conflict-affected regions. Participants spoke of standardizing human rights due diligence and defining the responsibilities of States, businesses and the United Nations. One speaker noted how essential it was for businesses to stay aligned with their code of conduct, values and international human rights standards, and to keep open channels of communication in conflict-affected areas.

N. State action

37. In a session dedicated to State action on business and human rights, speakers noted the importance of the Guiding Principles on Business and Human Rights in delineating the role of States and business. One speaker indicated that an important factor in furthering the business and human rights agenda was political will and transfer of knowledge. In terms of developing knowledge and capacity-building, speakers discussed the importance of training the judiciary to protect human rights and provide guidance for small and medium-sized businesses when human rights due diligence regulations were put in place. Speakers noted the importance for States of country visits by the Working Group, as the visits helped to identify policy gaps, challenges and opportunities to ensure business respect for human rights and the implementation of the Guiding Principles. One speaker in particular indicated the importance of regional balance in country visits and encouraged the Working Group to conduct a first country visit to an Arab State. Speakers also shared country-specific developments, such as the fact that the Republic of Korea had implemented business and human rights policies based on recommendations from its national human rights institution and that bar associations were becoming familiar with environmental, social and governance approaches, which the speaker indicated was a starting point for change. Another speaker highlighted an example of a multi-stakeholder task force on business and human rights consisting of 20 government ministries, civil society organizations, academics and business associations.

O. Responsible policy and regulatory developments to prevent corporate capture

38. In a session dedicated to preventing corporate capture and to responsible policy and regulatory engagement, discussions centred around how businesses could be politically engaged in a manner that was aligned with the Guiding Principles on Business and Human Rights, and what would happen when businesses failed to engage. The Chair of the Working Group opened the discussion and highlighted the report of the Working Group on the theme of “corporate influence in the political and regulatory sphere: ensuring business practice in line with the Guiding Principles on Business and Human Rights”.¹² The Chair noted that corporate capture, understood as the intermeshing of business and the political sphere, could, if not handled correctly, result in human rights abuses. One panellist stated that businesses often felt entitled to interfere in political processes and noted that one way of interfering was through “fake” community consultations, which was a phenomenon that was taking place all over the Global South. Speakers described how businesses could use their influence to slow or halt judicial proceedings for communities awaiting remedies and justice, and even encourage the prosecution of human rights defenders. In that sense, one speaker underlined the importance of the rule of law and judicial independence. Another speaker remarked on the importance of freedom of information, access to documents, transparency and the right to accountable and representative democracy to ensure responsible corporate engagement. The same speaker highlighted the use of trade agreements and human rights impact assessments in the European Union to ensure that corporate influence did not lead to human rights abuses and noted the role that identifying conflicts of interests could play in preventing corporate capture. One business representative indicated the importance of business being engaged politically to help create positive change, particularly in tackling global threats such as climate change. Another speaker noted that corporate engagement should be in line with the Guiding Principles on Business and Human Rights and ensure respect for human rights. The same speaker also noted that more needed to be done by States to root out corruption, provide legal certainty and work with business to close regulatory gaps.

P. Road map for the next decade: taking stock

39. The road map, with its recommendations on how to scale up implementation of the Guiding Principles on Business and Human Rights, was presented at the tenth Forum in 2021. At the eleventh Forum, in a session dedicated to stocktaking of the road map for the next decade, participants aimed to assess progress, advances and challenges in tackling the action areas identified in it. Speakers emphasized that Indigenous voices and human rights defenders were not sufficiently integrated into business and public policies and that a lack of policy coherence remained a fundamental challenge for the effective protection of human rights defenders. One speaker stressed how important it was for Indigenous voices to be heard in the discussions in the annual and regional forums. Another speaker indicated how regional baseline studies on business and human rights in the Asia-Pacific region and Africa had led to a call to action, including the development of national action plans in several countries. Speakers also discussed the value and progress of national action plans in different contexts. One speaker noted that Japan had formulated its national action plan in 2020 with a focus on policy coherence and multi-stakeholder engagement. It had also recently established a working group to assess how to respect human rights in public procurement and how businesses could establish human rights due diligence in their supply chains. Speakers noted that national action plans often focused on the voluntary implementation of human rights due diligence, but that there remained much to be done for business to adequately integrate core elements of human rights due diligence into their operations. Other speakers indicated that some businesses had been acknowledging and acting on their responsibility to incorporate the Guiding Principles on Business and Human Rights. One speaker mentioned that when considering a smart mix of measures, it was important to consider possible unintended consequences, while still keeping human rights at the centre. Another speaker stressed the responsibilities of lawyers with regard to business and human rights and noted that as

¹² [A/77/201](#).

mandatory measures came into force, it would be necessary to improve awareness of business and human rights issues among lawyers. One speaker noted that benchmarking could contribute to business and human rights by assessing business performance in terms of human rights in high-risk sectors and that recent indicators had shown positive progress but at too slow a pace.

IV. Regional trends and stakeholder dialogue

40. The Forum included sessions dedicated to discussing trends and challenges in specific regions.¹³

A. African States

41. The speakers in the African regional session noted that it was often difficult to manage supply chains and know when to engage with business partners. They also noted that the interests of communities were not taken into consideration when it came to starting a business, but that there was a growing awareness of the Guiding Principles on Business and Human Rights in Africa. African States, businesses, national human rights institutions, civil society actors, academic institutions and the legal community as a whole were increasingly paying attention to the business and human rights agenda, including action to promote responsible business conduct and corporate accountability. Speakers emphasized that, while more than 50 countries across the world had adopted national action plans on business and human rights, only two African countries (Kenya and Uganda) had a national action plan in place, but that a number of other African countries, such as Ghana, Liberia and Nigeria, had indicated ongoing plans to develop and adopt a national action plan. Speakers noted that the extractive industries were often the bedrock of the economy in African countries and that such projects had had significant impacts on communities, who had seen their human rights adversely impacted.

B. Asia-Pacific States

42. In the session on Asia and the Pacific, speakers noted that human rights defenders in the region continued to be criminalized and attacked for their legitimate work in defence of human rights. The number of attacks on human rights defenders was higher in Latin America and Asia than in any other region of the world. In 2021, the Asia-Pacific region had surpassed Latin America by a narrow margin of 147 attacks in just one year alone. Furthermore, speakers pointed out that workers and individuals who stood up to defend their rights were often at risk, especially women and members of the LGBTIQ+ community, who faced an even more acute threat, given the long road to gender parity. Owing to climate change and environmental issues, human right defenders involved in land disputes were among the most affected, and affected communities were directly targeted, causing further marginalization of those already in a disadvantaged position.

C. Eastern European States

43. Speakers in the Central and Eastern Europe session highlighted key issues in the region, including insufficient protection of workers' rights, the failure of businesses to pay wages, limitations on freedom of association, the need to promote equal treatment for women workers and the lack of multi-stakeholder collaboration. Speakers indicated that there was a lack of national policy coherence and business action for respecting the rights of employees, a situation which was exacerbated by fragmented labour supply chains. Speakers noted that in this context, there were not enough sanctions on employers who violated trade union rights

¹³ The present section is focused on the main regional challenges and trends identified in the specific sessions on each region, but additional country-specific developments are to be found in other sections of the report.

and that States often tolerated a lack of compliance with labour laws. Speakers called on businesses to assume their obligations, protect workplace safety and take into account the real cost of a living wage. Participants noted that there was a need for increased multi-stakeholder collaboration, engagement and dialogue to address employment issues. That included the education of business managers and lawyers on how to protect and promote labour rights. One speaker noted that legislation could provide more control over supply chains. Speakers also emphasized that trade unions, human rights defenders and civil society organizations could play an important role in amplifying the voices of workers. Speakers stressed that States needed to work towards the creation of environments where workers could join the trade union of their choice and that States should promote, not suppress, collective representation rights and open spaces for collective actions to prevent and settle issues. Participants also noted that States must stand firm on their commitments to international standards. One speaker noted that legislation could provide more control over such issues by, for example, regulating human rights due diligence. Speakers agreed that to address these challenges, there needed to be collaboration between business, States and civil society.

D. Latin American and Caribbean States

44. Participants in the Latin American and Caribbean session discussed the obstacles to and opportunities for accessing remedy effectively in the region. Speakers noted some interesting developments in domestic rulings and in the jurisprudence of the Inter-American Court of Human Rights in terms of incorporating the Guiding Principles on Business and Human Rights and recognizing the responsibility of business to respect human rights and the duty of the State to protect against human rights abuses, including through mandatory due diligence. Some progress with regard to State-based non-judicial mechanisms was also noted by speakers. For example, in Chile the national contact point for responsible business contact had handled 31 cases concerning business-related human rights impacts. Despite those advances, speakers noted that human rights defenders and Indigenous Peoples still lacked access to remedy. One of the obstacles identified was the lack of awareness of the Guiding Principles on Business and Human Rights among the judiciary. Public defenders' offices had helped to address these gaps and find alternative venues to bring claims, including through regional and international mechanisms. Another challenge was the lack of legal frameworks aligned with human rights. Existing frameworks were often voluntary and therefore did not always provide justice. Speakers also discussed the challenges related to the lack of corporate policies that could truly allow for remedy in cases of human rights abuses. One speaker shared the experience of a mining company that had embarked on a process to provide redress to an evicted community, in close collaboration with the community itself. Despite encountering difficulties in the process, one successful outcome had been the possibility of establishing a dialogue between the business and the community, respecting the community's rhythm and needs. The same speaker also noted that knowledge of local, national and international laws was important to facilitate dialogue. Speakers highlighted the value of engaging with OHCHR field presences to facilitate dialogue between stakeholders and business. One speaker noted the specific obstacles faced by Indigenous Peoples and, even more drastically, Indigenous women, including language barriers, geographical distance, technological and systemic racism and discrimination.

E. Middle Eastern and North African States

45. Speakers in the Middle East and North Africa session noted a series of challenges, including the need for legislation to guarantee the disclosure of key information to the public about human rights issues, the lack of national action plans on business and human rights, the limited protection against labour abuses, the difficulty in ensuring access to justice and the independence of the judiciary. Speakers also discussed positive initiatives, such as emerging laws supporting trade unions. In terms of opportunities, speakers indicated that the upcoming European Union corporate sustainability due diligence directive would help to encourage respect for business and human rights throughout European Union supply chains in the Middle East and North Africa. Speakers also highlighted the importance of creating

more State-based mechanisms to enhance access to remedy, as opposed to replacing them with non-State-based mechanisms. For example, one speaker stressed the danger of relying on arbitration mechanisms for labour disputes, where employees had to pay to defend themselves. Finally, speakers called for more awareness of business and human rights issues in the region to help States and business move forward with the agenda.

F. Western European and Other States

46. The session on the Western European and Others Group featured discussions around mandatory human rights due diligence and other legislation, and the need for the inclusion of the perspectives of rights holders from the Global South in decisions on legislative processes in the Global North. Participants discussed positive examples of efforts to strengthen mandatory approaches to business and human rights in the region, such as the Act on Corporate Due Diligence Obligations in Supply Chains in Germany, the Act relating to Enterprises' Transparency and Work on Fundamental Human Rights and Decent Working Conditions in Norway, and the Uyghur Forced Labour Prevention Act in the United States of America. Speakers noted that some of the current challenges in the region included voluntary approaches and tick-box exercises, whereby businesses tended to do as little as possible. For example, one speaker stated that a European Parliament study in 2020 showed that only 37 per cent of business respondents had conducted environmental and human rights due diligence and only 16 per cent had covered the entire supply chain,¹⁴ while another speaker pointed to studies indicating that companies were struggling to meet the basic requirements of modern slavery legislation. Participants also discussed how to make sure that legislative processes made continuous (i.e. not temporary) space for the voices of rights holders in the Global South by focusing on their experiences, without reinforcing colonial relations and disenfranchising rights holders.

V. Closing plenary session: key messages

47. The Forum concluded with a discussion on the way forward, considering the evolving global realities, new policy and regulatory developments and business initiatives at local, national, regional and global levels. The closing plenary was moderated by the Vice-Chair of the Working Group.

48. The High Commissioner for Human Rights stressed that the meaningful engagement of rights holders and human rights defenders was the most effective way to find solutions to the challenges facing the business and human rights agenda, as their participation would lead to more sustainable outcomes based on their practices and knowledge. The High Commissioner noted that to ensure economic growth, business activity must be built on values, sustainable development and the re-evaluation of how people engaged with each other, with nature and with a human rights perspective. That radical change and transformation must be genuine and authentic, otherwise the problems the world faced today, such as child labour, modern slavery, the killing of Indigenous Peoples and the lack of protection for human rights defenders, would continue. Finally, the High Commissioner highlighted the importance of effective multilateralism as a key piece in rebuilding trust and tackling accountability and remedies.

49. The President of the Human Rights Council emphasized the importance of holding businesses accountable for the human rights impacts of their operations. As an example, the Human Rights Council had established a global normative framework with a solid political base, ensuring the collective responsibility of businesses and States, so that everyone could fully enjoy their human rights. That process, in addition to the Guiding Principles on Business and Human Rights, included the work of the Working Group and that of the Forum on Business and Human Rights. The President also stated that for the next decade, it would be necessary to reflect on the Guiding Principles on Business and Human Rights as a key to dealing with the challenges of the current global geopolitical scene, such as climate change,

¹⁴ See [https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/729424/EPRS_BRI\(2022\)729424_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/729424/EPRS_BRI(2022)729424_EN.pdf).

the effects of the pandemic and conflicts in all regions. Considering the above, the President emphasized that business activities and policies must meet those challenges adequately and ensure that private sector activities and State policies responded effectively. The President noted that reaching consensus was key for responding to the various questions businesses could face when considering a human rights approach. Nevertheless, the lack of participation in cases of human rights abuses by States where businesses were domiciled affected human rights initiatives to respond to such problems. As a concluding remark, the President noted that it was smart for businesses to invest in human rights.

50. The General Director in charge of independent bodies and human rights for the Government of Tunisia highlighted the State's willingness to promote and advance the Guiding Principles on Business and Human Rights, along with various national initiatives related to business and human rights. The General Director indicated that the Guiding Principles had contributed to respect for human rights at the national, regional and international levels, and indicated that that was why Tunisia was committed to developing its first national action plan on business and human rights, with the support of the United Nations Development Programme, through an inclusive, interactive and consultative drafting process with stakeholders, ministries, public authorities, businesses, social partners, the United Nations, academic institutions and civil society organizations. Finally, the General Director also noted that there must be a balance of interests in a participatory process through pragmatic and innovative approaches, and that transparency must be a priority for gaining community trust and strengthening the spirit of solidarity.

51. The representative of the Andean Coordinator of Indigenous Organizations, a Quechua leader from the Pasco region in Peru, stated that Indigenous Peoples were facing a global crisis due to the exploitation of resources, climate change, the loss of biodiversity, deforestation and environmental pollution of their lands, water and oceans as part of business operations. The speaker indicated that States did not do enough to protect Indigenous Peoples and that there was no access to remedy, accountability or justice. The speaker also emphasized that the human rights of Indigenous communities were not optional and were enshrined in the Universal Declaration of Human Rights and in international law. The speaker stressed that the protection of the rights of Indigenous Peoples could not be watered down and that due diligence efforts to prevent violations of those rights must ensure their full protection. The speaker noted the initiatives to develop legislation on due diligence; nevertheless, those initiatives must guarantee the complete protection of the rights of Indigenous Peoples and include effective accountability mechanisms. The speaker stated that human rights defenders, including Indigenous defenders, suffered intimidation, criminalization and violence, including killings and forced displacement. The speaker noted that until now, States had adopted legislation to protect businesses and investments, but procedures needed to be established in cases of human rights abuses. Finally, the speaker called for the full implementation and recognition of Indigenous human rights.

52. An environmental youth activist from Cambodia expressed appreciation for developments on the issue of business and human rights, but noted that there was still a long way to go, in particular in preventing harm to the environment. The speaker noted that countries were developing quickly, which had caused damage and suffering to poorer communities and the environment. The speaker highlighted two examples whereby land grants for a sugar company and an airport construction project had been given without proper consultation and communities had been displaced without proper compensation. Finally, the speaker suggested that the international community should release information related to development projects and provide transparent environmental impact assessments, so that the public was aware of impact mitigation measures.

53. The National Secretary for social policies and human rights of Central Única dos Trabalhadores, Brazil, stated the need for improved monitoring of mining projects, as such projects often resulted in human rights abuses. The speaker also noted the need for access to remedy and that human rights defenders denouncing such abuses were often subjected to intimidation, criminalization, killing or disappearance.

54. The Dean of the Pontificia Universidad Javeriana in Colombia, highlighted the role of academic institutions in accountability and access to remedy for business and human rights abuses. The speaker pointed out that while States had shown progress in the design and

implementation of human rights measures, progress was still needed in relation to justice and accountability. The speaker noted that there was an accountability gap and that having the perspectives of rights holders at the centre of the discussion provided the best results for addressing that gap. The speaker also highlighted the role of academic institutions and the transfer of knowledge in achieving justice. The speaker gave some examples of such activities: formal seminars, development of curricula, publication of information and studies to aid the understanding and implementation of business policies and the protection of human rights.

55. The Secretary-General of the International Organisation of Employers pointed out that the engagement of the business sector needed to be stronger, genuine and serious. The speaker argued that it was important that States, organizations and businesses accepted their responsibility and that this was key to strengthening the complementarity of the actions of employers, organizations, suppliers, local companies, trade unions, non-governmental organizations, donors, international organizations and other agencies. The speaker noted that there were other important issues, such as States that did not take their responsibilities seriously; the need for more ambitious actions regarding weak institutions; the role of the informal sector; improving judicial systems; drafting appropriate regulations; and combating corruption. The speaker also noted the importance of engaging with small and medium-sized enterprises.

56. The Vice-Chair of the Working Group concluded by thanking the speakers, organizers and participants.

57. The next Forum on Business and Human Rights will take place between 27 and 29 November 2023.
