Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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How to move forward to make businesses more responsible for human rights abuses?

Motion for a resolution
tabled by Mr Boriss CILEVIČS and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

Although the primary duty to protect human rights lies with States, following the adoption, in 2011, of the United Nations Guiding Principles on Business and Human Rights (UNGP), businesses' responsibilities for human rights abuses are now also widely recognised.

In its recent Resolution 2311 (2019) on *Human rights and business – what follow-up to Committee of Ministers Recommendation CM/Rec(2016)3?*, the Parliamentary Assembly has called on Council of Europe member States to implement the UNGP and Recommendation CM/Rec(2016)3 on human rights and business. Accordingly, States have been encouraged to develop national action plans (NAPs) to ensure implementation of these guidelines. To date, only 18 member States have drawn up NAPs.

Moreover, in 2014, the United Nations Human Rights Council initiated the process of developing an international legally binding instrument "to regulate, in international human rights law, the activities of transnational corporations and other business enterprises". A revised draft of this treaty was published in July 2019.

Such a treaty could theoretically improve effective access to justice for victims of alleged abuses by businesses. However, there is considerable debate surrounding its content and scope and even about whether such a treaty should be adopted at all. Notably, many European Union member States were initially reluctant to participate in the development of the draft instrument and maintained a preference for "soft law" measures.

Given the lack of consensus on this issue and following on from Resolution 2311 (2019), the Assembly should contribute to the process of evaluating whether a binding legal instrument would be beneficial and consider the desirable scope of such an instrument. Moreover, it should consider how the Council of Europe can assist States and the United Nations in the drafting process and how to further encourage member States to implement the UNGP and Recommendation CM/Rec(2016)3.

Signed (see overleaf)

Signed[1]*:*

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