

### **Meeting with UN Special Procedures: Geneva (June 19, 2007)**

On 19 June 2007, the Special Representative to the Secretary-General (SRSG) on the issue of human rights and transnational corporations and other business enterprises invited all other human rights mandate holders to a lunchtime session to discuss business and human rights. The meeting was organized as a follow up to an earlier request by the SRSG to the mandate holders to share any relevant information with him, particularly those who during their country missions have encountered corporate related human rights issues affecting the right(s) covered by their respective mandates, and/or who receive allegations from individuals or communities about human rights abuses resulting from corporate practices.

The mandates represented at the June meeting included those on adequate housing; enforced or involuntary disappearances; health; indigenous peoples; mercenaries; torture; and toxic waste.

The discussion focused on any general lessons learned or trends observed by the mandate holders in their work, particularly regarding the following three issues: (1) the absence of understanding on the part of corporations as to the role of UN special procedures; (2) the challenges faced by civil society in engaging with the mandate holders on issues related to business and human rights; and (3) the unwillingness or inability of states to answer questions about the impacts of corporate activities on human rights.

Several participants began by saying that they had spoken with company representatives and that their experiences varied in the representatives' willingness to engage. One participant said that his mandate would lose credibility if he did not regularly consider the impact of corporate activities on rights. Another participant commented that some companies had spoken of greater progress in relation to rights and community relations through locally focused projects. Several participants said that some companies had expressed confusion about what they could or should do to protect rights.

Some of the participants said that even if they are able to speak with companies on country visits, these companies are often subsidiaries of larger transnational companies to whom it may be difficult to gain access. There was also a sense that in dealing with companies, it was important to understand the complexities related to their business and industries rather than treating all companies in the same way.

Several participants said that they had encountered comments from states that they were not responsible for certain situations because they had been created by private companies. In particular, some states seemed unwilling to answer questions regarding abuses by companies providing core government services, such as water services and security. A number of participants were also concerned that even if states have effective human rights policies and laws, they are often trumped by laws or actions relating to economic interests. There was a strong consensus amongst the participants that states should be held accountable for failing to protect against abuse by corporate actors, especially in the case of privatised sectors.

Concerning trends, several participants said that they were seeing an increase in the willingness of companies to engage during country visits though one participant felt that abuses by companies were getting worse, particularly in relation to vulnerable groups. Another participant said that he had seen some improvements in sectors encountering human rights challenges, such as the mining sector, though there was still significant progress to be made.

In relation to future directions, several participants welcomed further joint dialogue between mandate holders whose work interlinks with the business and human rights debate as well as the possibility of joint communications to states in relation to these issues. Participants generally agreed that there should be more discussion regarding the role of the Human Rights Council as well as other actors within the UN system in improving corporate responsibility and accountability vis-à-vis human rights, as well as strengthening state responsibility.

The SRSG thanked the participants for their important insights and looked forward to further dialogue and information-sharing in the future.