

Statement on behalf of a Group of Countries at the 24rd Session of the Human Rights Council

**General Debate – Item 3
“Transnational Corporations and Human Rights”
Geneva, September 2013**

Mr. President,

We deliver this statement on behalf of the African Group, the Arab Group, Pakistan, Sri Lanka, Kyrgyzstan, Cuba, Nicaragua, Bolivia, Venezuela, Peru and Ecuador.

States who subscribe to this statement welcome the steps taken by the Human Rights Council in order to address the issue of the role and responsibilities of transnational corporations and human rights, in particular the work of former United Nations SRSG for Business and Human Rights, John Ruggie, who elaborated the Guiding Principles on Business and Human Rights endorsed by the UN Human Rights Council in its resolution 17/4), of July 2011, and the creation of the Working Group on Human Rights and Transnational Corporations and Other Business Enterprises with a mandate “to promote the effective and comprehensive dissemination of the Guiding Principles on Business and Human Rights”.

The increasing cases of human rights violations and abuses by some Transnational Corporations reminds us of the necessity of moving forward towards a legally binding framework to regulate the work of transnational corporations and to provide appropriate protection, justice and remedy to the victims of human rights abuses directly resulting from or related to the activities of some transnational corporations and other businesses enterprises.

The endorsement by the UN Human Rights Council in June 2011 of the “Guiding Principles on Business and Human Rights: Implementing the United Nations Protect, Respect, and Remedy Framework” was a first step, but without a legally binding instrument, it will remain only as such: a “first step” without further consequence. A legally binding instrument would provide the framework for enhanced State action to protect rights and prevent the occurrence of violations.

We are mindful that soft law instruments such as the Guiding Principles and the creation of the Working Group with limited powers to undertake monitoring of corporate compliance with the Principles are only a partial answer to the pressing issues relating to human rights abuses by transnational corporations. These principles and mechanisms fell short of addressing properly the problem of lack of accountability regarding Transnational Corporations worldwide and the absence of adequate legal remedies for victims.

An international legally binding instrument, concluded within the UN system, would clarify the obligations of transnational corporations in the field of human rights, as well as of corporations in relation to States, and provide for the establishment of effective remedies for victims in cases where domestic jurisdiction is clearly unable to prosecute effectively those companies.

Finally, States that subscribe this statement will like to renew their commitment to work towards the elaboration of a legally binding instrument on the basis of a careful and serious assessment of options available in the framework of the Human Rights Council. The achievement of this goal will benefit people everywhere, and contribute to enhance the level of human rights enjoyment and of protection of the environment.

Thank you Mr. President.