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Public Statement

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Commission on Human Rights, 60th Session (15 March - 23 April 2004) **Agenda Item 16: Report of the Sub-commission on the Promotion and Protection of Human Rights**

Joint Oral Intervention by Human Rights Council of Australia, Mouvement international d'apostolat des milieux sociaux indépendants (MIAMSI) and World Organization Against Torture (OMCT)

Supported by: Amnesty International, ESCR-Net, RAID, Berne Declaration, Centre on Economic and Social Rights (CESR), Earth Justice, Franciscans International, International Federation for Human Rights (FIDH), International Service for Human Rights, ONZ, Miseror, World University Service and a caucus of nearly 200 organizations and 200 individuals (1)

Mr. Chairperson,

This statement is delivered on behalf of a caucus of nearly 200 organizations and 200 individuals to express our support for the *UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights*. The caucus consists of human rights, development and environmental NGOs, other civil society groups such as unions, co-operative associations and individuals. Some of the organizations who support this statement include Amnesty International, ESCR-Net, RAID, Berne Declaration, Centre on Economic and Social Rights (CESR), Earth Justice, Franciscans International, International Federation for Human Rights (FIDH), International Service for Human Rights, ONZ, Miseror and the World University Service

In our view, the UN Human Rights Norms represent a major step forward in the process of establishing a common global framework for understanding the responsibilities of business enterprises with regard to human rights. The five-person Working Group of the Sub-Commission for the promotion and protection of human rights, which drafted the Norms, developed them through an open process of consultation with governments, businesses, NGOs and unions over a period of nearly four years. By adopting the Norms on August 13, 2003, the Sub-Commission also approved an extensive commentary on the Norms that provides clarification of the scope and interpretation of the proposed norms and transmitted both the Norms and Commentary to the UN Commission on Human Rights.

The value of the Norms lies in providing coherence to a disparate set of human rights obligations of non-state economic actors presently found in various international law instruments, voluntary standards, and company codes. For instance, they incorporate the minimum labour standards embodied in documents such as the Universal Declaration of Human Rights, the Convention on the Rights of the Child, and the ILO

Declaration on Fundamental Principles and Rights at Work. The Norms do not create new legal obligations, but simply codify and distil existing obligations under international law as they apply to companies.

The UN Norms do not attempt to circumvent or undermine the responsibilities of governments to enforce existing human rights laws. In fact, they state at the outset that "States have the primary responsibility to respect, ensure respect for, prevent abuses of, and promote human rights recognized in international as well as national law." Nor do the Norms attempt to impose responsibilities on businesses which are not appropriate to them. Instead they clearly state that companies have only responsibilities "within their respective spheres of activity and influence." Indeed the entire thrust of the Norms is to encourage the development of stable environments for investment and business, regulated by the rule of law, in which contracts are honoured, corruption reduced, and where business enterprises, both foreign and domestic, have clearly defined rights and responsibilities.

Now that the Sub-Commission has completed its work on the UN Norms, governments, the business community, unions and civil society should study them carefully and deliberately. We believe that it is critically important at this stage for the Commission to avoid a rushed decision on the Norms on the basis of inadequate or insufficient information. The NGOs and other members of civil society that support this statement express their expectation that discussion of the Norms will continue in the proper context and will include all relevant parties in a transparent and participatory process.

Mr. Chair,

The delivery of this statement under item 16 is not intended to suggest that the Norms should be dealt with the Commission under agenda item 16.

A copy of the NGO Statement of Support for the UN Human Rights Norms for Business, together with the list of NGOs and others that support the Statement has been submitted to the Secretariat to be issued as a Commission document.

(1) Please see the joint written **Statement of Support for the UN Human Rights Norms for Business**, which details the 194 organizations that have endorsed the statement.