

# AMNESTY INTERNATIONAL

## Public Statement

AI Index: POL 30/012/2003 (Public)  
News Service No: 187  
8 August 2003

### **United Nations: Human rights responsibilities of transnational corporations and other business enterprises**

**55th Session of the Sub-Commission on the Promotion  
and Protection of Human Rights  
(28 July -15 August 2003)**

**Item 4: Economic, social and cultural rights**

#### **AMNESTY INTERNATIONAL ORAL STATEMENT**

**Delivered by Melinda Ching on 8 August 2003**

***-CHECK AGAINST DELIVERY-***

Mr. Chairperson,

It is my pleasure to take the floor today on behalf of Amnesty International to support the ***Draft norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights***, developed over the past few years by the Sub Commission's Working Group.

Amnesty International has participated actively in the process of elaborating the Draft Norms, and sees the resulting text as comprehensive, authoritative and offering a much-needed and practical foundation for ensuring that private companies respect human rights. We very much hope that the Sub-Commission will approve the Draft Norms and accompanying Commentary.

We support the *Draft Norms* [E/CN.4/Sub.2/2003/12] for a number of reasons.

First, they provide a useful statement of the scope of human rights obligations on private companies. There is a large body of international human rights law, and it is not always obvious which of its many provisions create direct responsibilities for companies. The *Draft Norms* set out in a comprehensive way the key human rights responsibilities of companies. In doing so, they create a powerful tool for advocates at the same time as a useful checklist for those companies keen to improve their human rights performance. While there are a number of codes and guidelines (some more international than others) covering business and human rights, none can offer the UN's authority and commitment to universality. A UN-endorsed set of standards might, additionally, help to encourage some uniformity in the ongoing process whereby NGOs, companies and industry associations are adopting their own non-binding principles in this area.

Amnesty International supports the Draft Norms too because their adoption would contribute to international legal development in this area. The Universal Declaration of Human Rights calls on all "organs of society" to respect and promote human rights, but it is only in the past decade that we have seen serious efforts to articulate and codify the scope of human rights obligations on actors other than states, including armed groups, international organisations and companies. While there is a clear basis in international law for extending direct legal obligations to companies in relation to human rights, the *Draft Norms* clarify the scope of these obligations and, though themselves not a formal treaty, will help those interested in expanding the scope of legal obligations in this area. Amnesty International is committed to ensuring that there is a clear international legal framework for clarifying the obligations of companies in relation to human rights, and we see the *Draft Norms* as a significant aid to those efforts.

Third, Amnesty International supports the *Draft Norms* because the current text is solid and, in our view, can command wide support. The *Norms* have been drafted so as to apply to all transnational corporations and other business enterprises. The text covers classic human rights concerns but deals also with labour rights, and emerging human rights issues in relation to companies such as environmental harm, consumer issues, and the impact of corruption. Each principle in the text is firmly grounded in recognized international standards, a point well-substantiated in the accompanying commentary [E/CN.4/Sub.2/2003/38], (which itself is an extremely useful document that the Sub-Commission should likewise recommend when it endorses the *Draft Norms*). The process leading to the development of the *Norms* has been inclusive and the consultation has been broad. While primarily directed at transnational corporations, the *Draft Norms* sensibly recognise that other private companies should not be excluded. While we understand that some advocates are concerned about particular aspects of the text, in Amnesty International's view it represents a fair attempt to set out the scope of existing standards in this area. Those concerned with particular details will, we feel, be assured through reference to the accompanying commentary that the drafters have fully reflected the importance of the many relevant international standards in this area. In circulating the text among its own partners, Amnesty International found wide support in the NGO community -- 58 NGOs have written to us indicating their support for the *Draft Norms*.

Adopting the Norms and Commentary would be an important step and that step should not await further efforts to develop implementation measures, Amnesty International also encourages the Sub-Commission to begin the process of developing mechanisms for implementing the Norms and Commentary.

For all these reasons, Amnesty International urges the Sub-Commission to endorse the Draft Norms and the accompanying Commentary for consideration and adoption by the UN Commission of Human Rights at its 60th session.

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