



# EXECUTIVE SUMMARY

## Collective Report on Business and Human Rights

Submission to the 8th Session of the United Nations  
Human Rights Council

June 2008



International Network for Economic,  
Social and Cultural Rights (ESCR-Net)  
Corporate Accountability Working Group

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This Collective Report on Business and Human Rights aims to bring light to situations in which companies have harmed the enjoyment of human rights. Prepared with the collaboration of 40 civil society organizations around the world, this report surveys cases of alleged human rights abuses by, or involving, companies from a wide range of documented situations in order to illuminate the scope of these incidents and identify modalities by which companies negatively impact the enjoyment of human rights. Further, the report analyzes existing gaps in the protection of human rights in the context of business, and offers recommendations to the United Nations (UN) Human Rights Council and its Member States in its 8th Session, as well as to other UN human rights bodies on how to strengthen business accountability to human rights.

At the same time, this report is envisioned as a space to offer testimony of the actual impacts that business conduct has on the human rights of individuals, communities and indigenous peoples. Discussions on these issues at the UN level have tended to focus on abstract concepts rather than the actual experiences of those affected by company human rights abuses. We deem it critical to include the views and perspectives of those suffering abuse for a proper assessment and resolution of the problem.

Through the analysis of various cases of reported abuse, the report reasserts in qualitative terms that business impacts on fundamental rights are widespread. That is, they are not limited to certain countries or regions, nor do they occur only within certain sectors or affect only certain rights. In the 159 surveyed cases from 66 countries, business enterprises have had significant negative impacts upon the enjoyment of all types of human rights, in different political systems, around the world and across industries.

Business activities can affect labor rights directly. Our review of cases points to a number of ways businesses may impact rights in the workplace, including the use of child and forced labor, repression of trade union rights, inadequate remuneration, unsafe work conditions, and discrimination in the workplace, as well as abuses of the rights to life, liberty and security of person.

Businesses can also impact the environment in ways that compromise the enjoyment of human rights by surrounding communities and individuals. Reported cases show that peoples' livelihoods and well-being can be seriously jeopardized by business activities which result in the contamination or usurpation of air, water, soil, or other public resources upon which these communities depend. The effects of these types of environmental disruptions can cause direct harm to a number of inter-related rights, particularly the rights to life, livelihood, health, food and water.

In addition, companies can abuse the right to life, liberty and security of person directly as well as through their ties to third parties. The cases illustrate that business actors may often neglect to ensure that their operations do not benefit from, or contribute to, human rights abuses committed by those with whom they have contractual or other operational links. Summary executions, arbitrary detentions, cruel, inhuman or degrading treatment, including sexual violence, have all been reported in various contexts. Business complicity in international crimes such as torture, war crimes, crimes against humanity, genocide, and enforced disappearances has also been alleged in several of the cases reviewed.

Business activities can also substantially undermine the rights of indigenous peoples, both directly and through third parties. The survey of cases indicates that indigenous peoples' land, resource and cultural rights, rights to free, prior and informed consent, life, health, water, food, collective housing, property, and effective remedy can all be substantially harmed by business activities.

Likewise, the right to adequate and secure housing can be harmed by private industry. Instances of forced eviction and displacements have been reported as a result of large public infrastructure projects, such as

dam construction, commercial development, city beautification programs, and natural resource extraction associated with mining and oil sectors. Business activities which depend upon the forced eviction, displacement or resettlement of communities have accordingly weakened the realization of rights to housing, life and security of person, livelihood and food.

Business actors can also profoundly affect people's enjoyment of the freedom of expression and right to information. Our survey of cases points to instances in which firms have harmed this set of rights by colluding with repressive governments, refusing to release key information affecting significant public matters, and infringing upon people's right to participate in public life.

Finally, actions of companies can directly or indirectly obstruct the ability of victims to obtain effective remedies for harms suffered. Businesses have been reported to interfere with access to justice in a variety of ways, including through influence over domestic judicial proceedings, intimidation and prosecution of claimants, refusal to respect and abide by domestic judgments, refusal to provide compensation, and through negotiation of special host government agreements.

In addition to presenting particular incidents of reported abuse and their distinct modalities, the report goes on to analyze existing gaps in the protection of human rights as evident in the review of cases. In the context of business activity, governments directly violated human rights, thereby failing in their duty to respect. Governments across regions and "governance zones" also continue to fail in—or are obstructed from—discharging their core obligation to protect against company abuse or to provide effective redress and accountability where such abuses occur. Companies for their part have also failed to respect human rights by infringing upon the enjoyment of these rights. Finally, the review of cases points to a serious lack of effective redress and accountability mechanisms at the domestic and international level for people suffering from business-related abuses to restore their dignity and hold perpetrators to account.

Based on the evidence presented in the cases reviewed and the analysis of gaps in human rights protection, the Collective Report concludes with following recommendations to the Human Rights Council and Member States at its 8th Session:

- 1. Establish a broader follow-on mandate on business and human rights** that includes an explicit capacity to examine real life instances of business abuse so that the views, experiences and expertise of those affected by business-related abuses fully inform the effort to identify appropriate solutions.
- 2. Ensure consultation with adversely affected individuals, communities and indigenous people** to guarantee a thorough analysis of the problem and identify meaningful solutions looking forward throughout the UN, and to give greater visibility to those whose rights are negatively affected by business.
- 3. Initiate an inter-governmental process for the adoption of global standards on business and human rights**, in conjunction with ongoing conceptual and policy discussions.
- 4. Intensify efforts to strengthen redress and accountability** to guarantee that individuals and communities have the capacity to defend their rights and that those responsible are held to account.
- 5. Enhance accountability and capacity of governments to fulfill their obligation to protect** by aligning efforts of the Universal Periodic Review process and UN Special Procedures to give increased priority to business and human right issues, and strengthening the ability of governments to protect.

The report also makes recommendations to other UN human rights bodies, including UN human rights treaty-based bodies and the Office of the High Commissioner on Human Rights.