



## 1st Regional Forum on Business and Human Rights in Eastern Europe and Central Asia

**“Making human rights a priority for business”**

**Eastern Europe and Central Asia /23-25 November 2020 / Online**

### CONCEPT NOTE

---

#### Background

While governments are the primary duty-bearers under international human rights law, corporations have a responsibility to respect the human rights of stakeholders connected to their business. This responsibility to address human rights risks applies not only to their employees, but to stakeholders across the value chain, such as contract workers, customers, workers in their supply chains, communities living around their operations, and consumers of their products or services. The corporate responsibility to respect human rights was set out in the [United Nations Guiding Principles on Business and Human Rights](#) (UNGPs) that were unanimously endorsed by the United Nations (UN) Human Rights Council (HRC) in 2011. Since their endorsement by UN member states, the UNGPs have contributed to greater convergence in standards for responsible business, reinforcing their position as the authoritative global standard on business and human rights and providing a key [baseline for business' contribution to the the Sustainable Development Goals \(SDGs\)](#).

The UNGPs set out a three-pillar framework, namely “**protect, respect, and remedy**”, to address human rights risks connected to business. The first pillar, the State duty to protect, elaborates on the legal and policy implications of States’ existing international legal duty to protect against human rights abuse by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication. The second pillar addresses business’ responsibility to respect human rights, by avoiding infringing on the human rights of others and addressing adverse human rights impacts with which they are involved. Finally, the third pillar requires States to ensure, through judicial, administrative, legislative, or other appropriate means, that rights holders have access to effective remedy when business-related human rights abuses occur. It also requires business enterprises to establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted. As June 2021 marks the 10th anniversary of the UNGPs, [the UN Working Group on Business and Human Rights](#) (UN WG) is undertaking a [new project](#) (UNGPs10+ / NextDecadeBHR) to chart a course for a decade of action on business and human rights. As part of the global consultation process, all stakeholders have been [invited to submit written inputs](#).

There is a growing momentum worldwide, especially in Europe, towards improving corporate human rights performance through mandatory human rights due diligence (HRDD) measures. A [legal initiative](#) by the European Commission for legislation to require companies in the European Union (EU) to carry out human rights and environmental due diligence is underway for 2021. National Action Plans (NAPs) on Business and Human Rights are considered another key policy tool for governments in promoting implementation of the UNGPs. Currently, there are [24 countries](#) that have issued [NAPs on business and human rights](#) and other 23 States planning to establish them. A [growing number of business](#) around the globe have committed to respecting human rights in line with the UNGPs. However, data tracking business performance against the UNGPs, such as the Corporate Human Rights Benchmark, consistently indicate that the majority of business enterprises lack adequate policies and processes (HRDD, as required by the UNGPs) to manage the human rights risks connected to their business. A small, but [increasing number of mostly large business enterprises, business organizations and investors](#) are also supporting mandatory HRDD legislation. [National Human Rights Institutions](#) (NHRIs) are increasingly turning their attention to business and human rights, where their roles vary from human rights education, monitoring the human rights conduct of companies, holding hearings on relevant issues, and organizing forums to bring together parties to a dispute, to considering individual complaints. Civil society organizations (CSOs) and human rights defenders around the world continue to play an important role in promoting government and corporate accountability, through a variety of approaches, from exposing wrongdoing, pushing for national and international level regulation, direct engagement with business, and participation in multi-stakeholder platforms.

Furthermore, across the globe, governments, NHRIs, businesses, industry associations, trade unions, CSOs, and academia are exploring how they should respond to the ongoing COVID-19 pandemic. Companies of all sizes and operating contexts are now faced with a range of unprecedented and long-lasting challenges in the world and the region. The UNGPs already offer guidance for government and business responses during COVID-19. As [stated by the UN WG](#) the three pillars of the Guiding Principles – “Protect, Respect and Remedy” – provide a globally agreed baseline for conduct both during the ongoing crisis and for a post-COVID-19 world.

In spite of slow progress overall, change is possible, as witnessed by leading practices by companies, investor organizations and public sector organizations that are maximizing the potential of the UNGPs. In the business community, companies that engage seriously with the UNGPs understand that meaningful engagement with affected stakeholders and groups at risk are at the core of getting it right, as a basis for building trust and sustainable progress. As an increasing number of governments and businesses recognize that doing the right thing is also the smart thing to do, there is an opportunity to speed and scale up the emerging good practices. But the need for faster progress and addressing remaining gaps and challenges is urgent.

### **Business and Human Rights in Eastern Europe and Central Asia**

Following the publication of NAPs by a range of Western European countries, the governments of the Eastern Europe and Central Asia region have also begun to grapple with the issue of business and human rights. Most notably, [Georgia](#) included a chapter on business and human rights within its Human Rights National Action Plan 2018-2020, while [Ukraine](#) has published a national baseline assessment in late 2019. Azerbaijan, Ukraine and Uzbekistan have committed to developing a NAP.

In the other parts of the region, the issue has been getting the attention of civil society, reflecting increased concern over the environmental and social impacts of businesses. In this context, the Danish Institute for Human Rights has supported the development of country guides on human rights for businesses in [Belarus](#) and [Macedonia](#); [Kazakhstan](#) Legal Policy Research Center has reviewed the compliance of Kazakhstan's legislation with the provisions of the UNGPs and other relevant international

standards; while Belgrade Centre for Human Rights, a CSO in [Serbia](#), commenced the drafting of a national baseline assessment. In Turkey, the 1<sup>st</sup> national Business and Human Rights Forum was held in January 2020 by the CSO Sivil Dusun with support of EU. The UNDP's Human Rights Due Diligence and COVID-19: Rapid Self-Assessment for Business (C19 Rapid Self-Assessment) was adjusted to the Turkish context in collaboration with United Nations Development Programme (UNDP), the International Labour Organization (ILO), Global Compact and Business for Goals (B4G) to help [Turkey](#)'s businesses consider and manage the human rights impacts of their operations during COVID-19.

Despite these positive developments, Eastern European and Central Asian countries experience common challenges including low level of awareness on business and human rights; discrimination; violations of labour rights; violations of environmental rights due to the lack of modern emissions management and no-waste technologies; and little efforts for protection against abuses regarding economic issues including corruption. The freedom of association is regularly violated through the oppression of independent trade unions. Finally, judicial remedies are often ineffective in practice due to low awareness of workers about their rights, high cost of litigation, complex corporate structures, delay in deciding cases, and practical obstacles in enforcing court orders. Therefore, the link between the rule of law, strong and independent institutions and safe space for civil society to operate as a pre-condition and essential elements for a conducive environment for promoting responsible business conduct.

To promote a vigorous dialogue on responsible business and human rights in Eastern Europe and Central Asia, **the 1st Regional Forum on Business and Human Rights will be held on 23-25 November 2020**. The Forum will be co-organised by UNDP Istanbul & Bangkok Regional Hubs and the UN WG. Currently exploring the role of Office of High Commissioner on Human Rights (OHCHR), the Organisation for Economic Co-operation and Development (OECD), the International Labour Organization (ILO), European Network of NHRIs and others in the Forum.

### **Regional Forum on Business and Human Rights for Eastern Europe and Central Asia**

This will be the first ever Regional Forum on Business and Human Rights in the Eastern Europe and Central Asia that will convene representatives from governments, NHRIs, CSOs, business and labour organisations at the regional level and also international level. Building on the Annual UN Forum on Business and Human Rights and regional forums held in Latin America and the Caribbean, and Asia-Pacific, the Forum will provide an opportunity to raise awareness of and promote implementation of the UNGPs in the region. Drawing on the experience from Latin America and the Asia-Pacific, an overall aim is to contribute toward a "regional race to the top". As a vital platform for the sharing of emerging practices within Eastern Europe and Central Asian countries and beyond, the Forum aims to enable meaningful exchange, and facilitate constructive dialogue and peer-learning among international organizations, government officials, business and labour representatives, and civil society actors. Moreover, the Regional Forum will explore how existing vulnerabilities have been amplified and exposed by the COVID-19 crisis and discuss the need to view the crisis as an opportunity to drive change and build back better. The Forum also provides an opportunity to inform the ongoing stocktaking of the UNGPs10+ project and discuss forward-looking solutions.

### **Objectives**

The Regional Forum on Business and Human Rights for Eastern Europe and Central Asia aims to:

- Increase awareness on key business-related human rights challenges in the region and enhance capacity of various stakeholders on the UNGPs;
- Discuss the efforts by governments and businesses in implementing the UNGPs and evaluate the opportunities and challenges in promoting UNGPs in Eastern Europe and Central Asia;

- Facilitate the exchange of lessons from current legislative and policy efforts to move forward the business and human rights agenda, such as NAPs on business and human rights, and mandatory requirements or incentives for corporate HRDD;
- Gather inputs to the “[UNGPs 10+ / Next Decade BHR](#)” project in support of the ongoing effort to take stock of practice to date, identify gaps and challenges, and develop a vision and roadmap for scaling up implementation of the UNGPs over the course of the next decade.
- Share emerging business practices to address environmental and human rights risks;
- Provide learning and networking opportunities for CSOs and human rights defenders and assess how they can advocate for change and overcome barriers to access remedy;
- Raise sensitivity amongst all stakeholders about the need to adopt a gender lens to implement the UNGPs and in turn mainstream gender issues within the business and human rights field;
- Promote peer-learning amongst States, businesses, industry associations, trade unions, CSOs and NHRIs in Eastern Europe and Central Asia, facilitating regional exchange of good practices;
- Explore how governments and businesses can collaborate on post-COVID-19 recovery, use this moment to not revert to business as usual, but to forge a new normal based upon the globally agreed standard provided by the UNGPs and the SDGs, and that is more sustainable and resilient, with responsible business practices as an essential foundation.

## **Programme**

The Forum will discuss the national and regional efforts to full implementation of the UNGPs, such as NAPs, corporate HRDD, and the role of the State as an economic actor. In addition, when implementing the UNGPs, key issues including the gender, vulnerability and/or marginalization, recognizing the specific challenges that may be faced by indigenous peoples, women, national or ethnic minorities, religious and linguistic minorities, children, persons with disabilities, and migrant workers and their families; role of CSOs; the business and human rights dimension of green recovery; and responsible business for COVID-19 response and recovery will be touched upon.

The full programme of the Forum with details of each session is attached to this concept note as Annex I.

## **Forum Format**

In view of travel restrictions related to COVID-19, the Forum will be hosted online over three days, 23-25 November 2020 between 09:00-15:00 Central European time (CET)/11:00-17:00 Istanbul time/14:00 – 20:00 Nursultan times daily. The virtual Forum will enable a mix between traditional panel discussions and more innovative and interactive session formats.

## **Participants**

The Forum will gather representatives of civil society, businesses, labour organisations, governments, NHRIs, think tanks, international organizations and other institutions active in the area of business and human rights from [18 countries](#) of Eastern Europe and Central Asia covered by UNDP Istanbul Regional Hub. Representatives from other regions will also be invited to share their experiences with the Countries in focus.

## **Forum Secretariat**

Please direct your queries related to programme, sessions, speakers, participation, side events etc. to Ainura Bekkoenova [ainura.bekkoenova@undp.org](mailto:ainura.bekkoenova@undp.org) and Zeliha Aydin [zeliha.aydin@undp.org](mailto:zeliha.aydin@undp.org)

## **ANNEX I- Information about Co-organisers**

### **Information about Co-organisers**

#### **UNDP's role in promoting Business and Human Rights**

UNDP's ongoing work in support of the UNGPs is part of a broader Human Rights workstream and anchored in the framework of the *Global Programme on Strengthening the Rule of Law and Human Rights for Sustaining Peace and Fostering Development* (implemented by the Rule of Law, Human Rights and Security team. Programming in this field is aligned with UNDP Strategic Plan 2018-2021 and with corporate's efforts to support the implementation of the 2030 Agenda and the SDGs.

UNDP's business and human rights work is cross-cutting, providing inputs and aligning programming with other corporate priorities, in particular to pursue access to justice for vulnerable groups, and the promotion and protection of human rights beyond the UNGPs; to look at human rights abuses by corporations that can spark or exacerbate conflicts, while building on their potential to build and sustain peace; to help to address human rights abuses by companies by strengthening key actors in national human rights systems such as NHRIs, which UNDP has supported through its strategic partnership with the Global Alliance for NHRIs and OHCHR; to work with companies to include environmental and climate change impact considerations when carrying out their HRDD; to consider women's human rights a priority area, contributing to UNDP's work on countering gender discrimination and empowering women.

The largest part of UNDP's Business and Human Rights work has been implemented through the Business and Human Rights in Asia (B+HR Asia) programme, which has been operational since 2016 and funded by the Government of Sweden and European Union. The programme has established itself as the convener on Business and Human Rights discourse in Asia through its peer learning activities, including its annual regional B+HR forums for Asia. The programme has achieved a notable successes to date, including supporting the development of a NAP on B+HR in Thailand (and incipient NAPs in countries such as India and Indonesia), helping mainstream HRDD practices by corporations (including Unilever and Coca-Cola) in the region, and supporting CSOs in obtaining remedies for victims of human rights violations by corporations.

#### **The role of the UN Working Group on Business and Human Rights**

The Working Group on the issue of human rights and transnational corporations and other business enterprises (also referred to as the UN Working Group on Business and Human Rights) was established by the HRC in 2011. UN WG is one of the thematic special procedures appointed by the UN HRC. Its core mandate, set out in HRC resolution 17/4, is to promote the effective and comprehensive dissemination and implementation of the UNGPs. Moreover, the UN WG mandate is to identify, exchange and promote good practices and lessons learned on the implementation of the UN GPs; to provide support for efforts to promote capacity-building and the use of the UN GPs; to conduct country visits and to respond promptly to invitations from States; to continue to explore options and make recommendations at the national, regional and international levels for enhancing access to effective remedies available to those whose human rights are affected by corporate activities, including those in conflict areas; to integrate a gender perspective throughout the work of the mandate and to give special attention to persons living in vulnerable situations, in particular children; to work in close cooperation and coordination with other relevant special procedures of the HRC relevant UN and other international bodies, the treaty bodies and regional human rights organizations; to develop a regular dialogue and discuss possible areas of cooperation with Governments and all relevant actors; to give due consideration to the implementation of the Guiding Principles in the context of the 2030 Agenda for Sustainable Development.

As part of its mandate to promote the UNGPs, the UN WG has sought to unpack implications of the UNGPs in relation to a number of thematic areas. Using the opportunity of the 10<sup>th</sup> anniversary of the UNGPs in 2021, it is now undertaking a new [project](#) titled “Business and human rights: towards a decade of global implementation” to chart a course for a decade of action on business and human rights. Also known as “UNGPs 10+ / Next Decade BHR,” this effort, informed by wide-ranging stakeholder consultations, will take stock of achievements to date, assess existing gaps and challenges, and, most importantly, develop an ambitious vision and roadmap for implementing the UNGPs more widely and more broadly between now and 2030. As part of the global consultation process, all stakeholders have been [invited to submit written inputs](#). The project is supported by the Government of Germany – including in the context of Germany's presidency of the Council of the EU during the second half of 2020 – and the Government of Switzerland and other partners. The global consultation process to develop the roadmap will involve collaboration with OHCHR and UNDP as well as a range of other partners. UNDP has close partnership with the UN WG and this partnership will be strengthened through this Project.