

**Letter of Civil Society Organizations with Recommendations for the Agenda of the Second Regional Consultation for Latin America and the Caribbean about the implementation of the Guiding Principles on Business and Human Rights, within the framework of the 2030 Agenda for Sustainable Development**

December 20<sup>th</sup>, 2016

**Mr. Dante Pesce**

Member of the United Nation's Working Group on Business and Human Rights

**Mr. Amerigo Incalcaterra**

Regional Representative of the United Nation's Regional Office of the High Commissioner for Human Rights for South America

Dear Sirs,

1. The undersigned organizations are committed to the protection and promotion of human rights at the local, regional and global levels and are active in the field of business and human rights. All the organizations have participated in numerous events hosted by the UN Working Group on Business and Human Rights and the UN High Commissioner for Human Rights, including the successive editions of the Annual Forum on Business and Human Rights.
2. We are thankful for the invitation to attend the Second Regional Consultation for Latin America and the Caribbean about the implementation of the UN Guiding Principles on Business and Human Rights (UN GPs), within the framework of the 2030 Agenda for Sustainable Development (2030 Agenda). Together with international human rights law and its protection mechanisms, the UNGPs and the 2030 Agenda are two of the most important and internationally recognized frameworks for the promotion of inclusive growth with respect for human rights. Both contemplate the role of States and corporate actors for the achievement of their respective objectives, as well as the need for permanent consultations with civil society and affected groups in all the phases of design and implementation of the policies aimed at making them operational. Therefore, we welcome this timely initiative and commend the UN Working Group and the UN High Commissioner for providing this open space for dialogue between different stakeholders.
3. We note that the consultation seeks to “promote a regional agenda on business and human rights through an interactive dialogue with the public sector, business enterprises, civil society and international organizations.” The event also seeks to “create a space for dialogue in order to promote cooperation amongst different stakeholders”.
4. In light of these objectives, we would like to offer some brief comments and reflections on the event's proposed agenda, both in terms of format and substance.
  - A. **Civil society participation.** The Draft Agenda contemplates only one slot for a representative of civil society organisations, in the panel called “Dialogue with stakeholders

for the development of business and human rights inclusive policies.” We are deeply concerned about the lack of civil society representation in all the other sessions of the Consultation. This could seriously undermine the proposed objective of the consultation in providing an open space for dialogue and exchange of experiences, as only governments and business enterprises will have the opportunity to discuss the challenges associated with the implementation and coherence between the two frameworks. **We recommend that a civil society representative is present in every session of the Consultation and that civil society participation reflects the diversity in the region, both in terms of sector coverage and geographical distribution.**

- B. **Effective Remedy.** While the chosen topics for discussion under the Draft Agenda reflect the weight given to some approaches to the business and human rights challenges, such as the development of National Action Plans, some pressing issues for the regional context have been left aside. Given the long-standing patterns of human rights abuses by business enterprises in the region and the pervasiveness of obstacles in the access to justice for the victims, and considering Pillar III of the UNGPs, together with the Working Group’s study on domestic law remedies for corporate-related human rights abuses (following a study commissioned by the OHCHR), **we recommend the issue of effective remedy be explicitly addressed in the consultation**, both as a stand-alone panel and within all panels for which the issue of effective remedies is relevant. This should include the panel on National Action Plans
- C. **Country visits.** We also **recommend that a space is provided for a dialogue on the outcomes and findings of the official visits of the Working Group to Brazil and Mexico.** The inclusion of the latter would greatly advance the objective of identifying “opportunities to strengthen cooperation between countries and regions”.

We hope these contributions are taken into account by the Regional Consultations organisers and remain at your disposal for future interactions on the issues addressed in this letter.

Sincerely,

Business and Human Rights Resource Centre

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