

# RIGHTS AND ACCOUNTABILITY

## THE WAY AHEAD FOR BUSINESS AND HUMAN RIGHTS

### 21-22 November 2011

#### Conference Programme

Friedrich-Ebert-Stiftung, Hiroshimastr. 28, 10785 Berlin

#### Monday, 21 November 2011

##### INTRODUCTION

*This scene-setting session will include presentations reflecting on the UN Framework "Protect, Respect, Remedy" as well as the UN Guiding Principles for Business and Human Rights. It provides an opportunity to discuss challenges of the business and human rights agenda and perspectives to close the "governance gap" identified by the Special Representative to the UN Secretary General on the issue of business and human rights.*

- 13.00 Welcome  
**Jochen Steinhilber**, Head of Department, Global Policy and Development, FES
- 13.10 Business and Human Rights: Challenges and Perspectives  
**Michael Windfuhr**, Deputy Director, German Institute for Human Rights
- UN Guiding Principles for Business and Human Rights:  
What new is offered for companies and states?  
**Sheldon Leader**, Professor, Director of Essex Business and Human Rights Project, Essex University
- The UN Guiding Principles and their applicability to the supply chain  
**William Nee**, Development Director, China Labour Bulletin, Hong Kong
- Business and Human Rights: Perspectives from Germany  
**Jörg Trautner**, Head of Task Force "Corporate Social Responsibility", Federal Ministry of Labour and Social Affairs
- Chair  
**Klaus Milke**, Chairman, Germanwatch
- 15.30 Coffee break

**THE STATE DUTY TO PROTECT HUMAN RIGHTS**

*In light of the previous discussion, this session will focus on the state duty to protect human rights against violations and abuse by third parties like business. What could and should be positive incentives by the state to implement companies' due diligence? It will furthermore discuss extra-territorial human rights obligations by states (e.g. with regard to export credit agencies, trade and investment agreements) and ways to ensure that business will not be part of the problem, but part of the solution.*

- 16.00 Substantiation of the state duty to protect in the context of German export business assistance  
**Brigitte Hamm**, *Head of Project Human Rights, Corporate Responsibility and Sustainable Development, Institute for Development and Peace (INEF), University of Duisburg-Essen*
- Legal Opportunities to improve Europe's Corporate Accountability Framework  
**Filip Gregor**, *Lawyer, Environmental Law Service, Czech Republic; Board Member of the European Coalition for Corporate Justice, ECCJ*
- Sustainable and responsible business in Europe  
**Iris Kröning**, *Member of Directorate-General Enterprise and Industry, CSR Team, European Commission*
- Comments  
**Evita Schmieg**, *Head of Division, Globalization, Trade and Investment, Federal Ministry for Economic Cooperation and Development*  
**Aiko Bode**, *Chief Compliance Officer, Global Head CSR and Sustainability, TÜV Rheinland AG*
- Chair  
**Susanne Bergius**, *journalist for sustainability*
- 18.30 Introduction to the Working Groups on Tuesday  
**Britta Utz**, *Human Rights Coordinator, FES*
- 18.45 Buffet Dinner

09.00 Summary of day 1 and outlook

**John Morrison**, Executive Director, Institute for Business and Human Rights, UK

WORKING GROUPS:

**Examples of judicial and non-judicial remedies**

*To offer remedy for victims of human rights abuses, non-judicial grievance mechanisms play an important role alongside judicial processes. Both have different benefits and features that make them more appropriate for some cases than for others. Nevertheless, the UN Guiding Principles suggest that all mechanisms should meet certain effectiveness criteria. This session will focus on different examples of judicial and non-judicial remedies and aims to discuss good practices, strengths and weaknesses. To foster dialogue and exchange of views between the participants of the conference, Working Groups will be convened. Outcome and insights are shared in the plenary.*

09.30 **WG 1: Judicial Mechanisms**

*(translation will be provided)*

This working group will analyse the variety of judicial remedies currently available for victims of corporate abuse and will look at its current strengths and weaknesses. It will discuss the question why judicial remedies in home state countries are important from a victim's perspective. Furthermore, the Working Group will discuss the concept of due diligence with special focus on the responsibilities of mother companies for human rights violations committed by subsidiaries or suppliers. Should existing principles of duty of care in law be extended in order to ensure effective remedies and means of redress for victims?

**Greg Ragainon**, Research Director, Business and Human Rights Resource Centre

**Raymond Salas**, Lawyer, SALIGAN, Philippines

**Miriam Saage-Maaß**, Program Director Business and Human Rights, ECCHR

**Eva Kocher**, Professor for Civil Law, German and European Labour Law, Viadrina University, Frankfurt/Oder

**Carlos Lopez**, Senior Legal Advisor, International Commission of Jurists

Moderator

**Amol Mehra**, Coordinator, International Corporate Accountability Roundtable, USA

Rapporteur

**Jonathan Kaufman**, Staff Attorney, EarthRights International, USA

09.30 **WG 2: Human Rights and Business -** *(only in English)*  
**What role for National Human Rights Institutions (NHRIs)?**

With regard to the business and human rights agenda, NHRIs fulfill a range of functions, e.g. capacity building or monitoring of government. Some NHRIs are equipped with a mandate to receive and deal with complaints concerning companies. The Working Group aims to discuss the actual and potential role of Northern and Southern NHRIs with regard to the business and human rights agenda. The main focus lies on their role to offer or procure remedy and to prevent human rights violations. The Working Group will include discussion of the need for remedies from a Southern perspective.

**Claire M. O'Brien**, *Human Rights Advisor, Danish Institute for Human Rights*

**Florence Simbiri-Jaoko**, *Chairperson, Kenya National Commission on Human Rights*

**Samuel Nguiffo**, *Director, Center for Environment and Development, Cameroon (tbc)*

**Marita Steinke**, *Head of Division, Human rights, Gender equality, Culture and Development, Federal Ministry for Economic Cooperation and Development*

Moderator

**Peter Frankental**, *Economic Relations Programme Director, Amnesty International UK*

Rapporteur

**Victor Ricco**, *Human Rights, Business and Sustainable Development Program Coordinator, Center for Human Rights and Environment, Argentina*

09.30 **WG 3: OECD Guidelines for Multinational Enterprises** *(only in English)*

The OECD Guidelines for Multinational Enterprises constitute an important non-judicial remedy for victims of corporate misbehaviour. With its recent update from May 2011, the instrument has become even more important. However, the real value of an instrument depends on effective implementation. Experience from trade union and civil society perspective with the instrument will be shared as well as experience from two National Contact Points that are responsible for the implementation of the Guidelines.

**Joachim Steffens**, *Head of Division, Int. Investments and Finance, Debt rescheduling; German National Contact Point, Federal Ministry of Economics and Technology*

**Danish Chopra**, *Senior Policy Adviser, Investment Team Trade Policy Unit, Europe, Trade and International Affairs, UK National Contact Point, Department for Business, Innovation and Skills*

**Kirstine Drew**, *Senior Policy Advisor, Trade Union Advisory Committee to the OECD*

**Yvonne Veith**, *Program Coordinator, ECCHR*

Moderator

**Heino von Meyer**, *Director, OECD Centre Berlin*

Rapporteur

**Joris Oldenzien**, *Senior Researcher, SOMO, Coordinator OECD Watch network*

12.00 Lunch

13.00 Plenary session - Reports by the Working Group Rapporteurs

Chair: **Felix Kirchmeier**, Senior Program Officer, FES Geneva

#### PANEL DISCUSSION ON REMEDIES

*This session will focus on complaints mechanisms available to victims of human rights violations by business. It will discuss legal and non-legal remedies and draw on the concrete experience from the Global South, NGOs in the North, trade unions and business itself. Access to effective remedy will be discussed not only as a means to compensate for harm already done, but as a precondition to prevent further human rights violations.*

13.30 Safeguarding human rights by litigation

**Yves Lador**, Earthjustice Permanent Representative to the UN in Geneva, Earthjustice

“Those who have less in life should have more in law”:

How to address the imbalance of power

**Raymond Salas**, Lawyer, SALIGAN, Philippines

A company perspective on the business and human rights agenda

**Matthias Thorns**, Deputy Head of Department European Union and International Social Policy, The Confederation of German Employers' Associations (BDA)

International Framework Agreements and beyond:

Union perspectives on the business and human rights agenda

**Horst Mund**, Director, Int. Department, Industrial Union of Metalworkers

Chair

**Wolfgang Kaleck**, Secretary-General, ECCHR

15.00 Coffee break

#### CONCLUDING SESSION

*The final session will summarize main conclusions over the past days as well as points of proposed actions for various actors discussed during the meeting. What next steps are required to advance the business and human rights agenda? How to close the “governance gaps” at national and European level? What are the prospects for the political acceptability of different options?*

15.30 **Christoph Strässer**, MP, member of the committee for Human Rights and Humanitarian Aid of German Bundestag

**Anke Konrad**, Deputy Head of Human Rights Division, Directorate-General for the United Nations and Global Issues, Federal Foreign Office

**Matthias Koehler**, Head of Division, Export Finance, Export Credit Insurance, Federal Ministry of Economics and Technology

**Elisabeth Strohscheidt**, Human Rights Desk, MISEREOR

Chair

**Michael Windfuhr**, Deputy Director, German Institute for Human Rights

17.00 End of conference



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