

Inter-Committee Workshop
**“Activities of transnational corporations: Impact on the implementation of
human rights treaty obligations”**

Organized by the International Commission of Jurists

Conference Centre Varembe, 9-11 Rue de Varembe, Geneva

18 June 2010

Background

Under human rights treaties, States Parties have the duty to respect human rights and protect against abuse of these rights by third parties through effective regulation and adjudication of corporate activities. Treaty bodies have paid increasing attention to the activities of companies and businesses and the concomitant duties of States in this context. Particular attention is given to mining, manufacturing and agricultural industries as well as extractive activities in lands and territories of indigenous groups, minorities and local communities.

The UN Human Rights Council has also heightened its focus on this issue. The Special Representative of the Secretary General on the issue of business and human rights, Prof John Ruggie, has surveyed the work of treaty-bodies in this area up to end of 2006 and suggested a series of issues that would need further clarification by treaty bodies. The ICJ is conducting a series of country studies to understand and assess the implementation of the right to an effective remedy in the context of human rights abuse by companies. These studies and other reports and research highlight a number of issues to be discussed and clarified in relation to the need for State regulation and adjudication of company transnational activities.

Treaty-bodies have a special role in monitoring State compliance with treaty obligations and in providing guidance to States Parties to better implement those obligations. This workshop should provide an occasion for in depth examination and interaction between committees to allow a comparative and informed perspective in approaching these issues and encourage a coordinated action.

Objectives

The workshop is organized to facilitate dialogue among committee members and external experts on an issue of common concern. The meeting has the following objectives:

- To provide a platform for an open exchange of views among participants about the extent to which individual treaty bodies have addressed the impact of activities by transnational companies on human rights.
- To improve the understanding by treaty-body members of some of the main problems arising out of the transnational activities of individuals and companies

and the challenges faced by States Parties to comply with their treaty obligations in this context.

- To explore ways in which treaty-bodies can provide further guidance for States Parties to deal with these issues.

Format/ Structure of the seminar

The workshop will be held in Geneva and it will be a closed meeting. The ICJ may prepare a report/minute of the meeting but the opinions and views will not be attributed (Chatham House rules). There should be a maximum of 30 participants, including treaty-body members and external speakers and ICJ and OHCHR staff.

Members of the following treaty-bodies will be in attendance: HRC, CESCR, CAT, CRC and CERD. A few external experts have been invited to help focus the debate on specific issues and to contribute overall to the understanding of the problems.

PROGRAMME

09:00 Arrival of participants

09:30 Introduction

Session I

This session will focus on the scope of the State duty to regulate corporate activities that have an impact on the enjoyment of human rights. Questions to be addressed include: the scope and content of the State duty to protect human rights against adverse impacts of corporate activities; whether the implementation of human rights obligations requires the regulation of nationally incorporated or controlled companies' activities abroad; the duties of States vis-à-vis State owned enterprises or those providing a public service.

09:45 States' duty to regulate activities of transnational corporations- the general framework and treaty-body practice

11:15 Coffee break

11:30 Problems related to corporate structure, supply chains and other business partners- is there a duty to regulate over companies' impacts across their sphere of responsibility/influence?
Presentation of cases: security companies and mining companies
Discussion

12:30 Lunch

Session II

This session will focus on the implementation of the State duty to provide an effective remedy for victims for the violation of their covenant rights or other rights protected under national law. In particular, the session will address the question of whether and to what extent States have a duty to provide an effective remedy for overseas victims of rights abuse by national corporations or individuals that are based in the national territory or under the control of the State party.

14:00 The duty to provide an effective remedy under human rights treaties – and human rights abuse by private companies

15:30 Coffee break

15:45 Problems in the implementation of the right to remedies in cases of transnational nature
Presentation of cases
Discussion

17:00 Wrap Up

List of participants: Treaty-Body Members

Ms Agnes AIDOO, Committee on the Rights of the Child

Ms Rocio BARAHONA RIERA, Committee on Economic, Social and Cultural Rights

Ms Virginia BRAS GOMEZ, Committee on Economic, Social and Cultural Rights

Mr Alessio BRUNI, Committee Against Torture

Ms Anastasia CRICKLEY, Committee on the Elimination of Racial Discrimination

Mr Ion DIACONU, Committee on the Elimination of Racial Discrimination

Ms Hellen KELLER, Human Rights Committee

Mr Dzidek KEDZIA, Committee on Economic, Social and Cultural Rights

Mr Fernando MARIÑO MENENDEZ, Committee Against Torture

Ms Marta MAURAS PEREZ, Committee on the Rights of the Child

Mr Pierre-Richard PROSPER, Committee on the Elimination of Racial Discrimination

Other Participants

Mr Daniel AUGENSTEIN- University of Edinburg

Mr Jan BORGEN, International Commission of Jurists

Mr Andrew CLAPHAM- Graduate Institute of International and Development Studies- Geneva Academy of Human Rights and Humanitarian Law

Mr Paulo DAVID, Office of the High Commissioner for Human Rights

Ms Carla EDELENBOS, Office of the High Commissioner for Human Rights

Ms Katherine GALLAGHER, Centre for Constitutional Rights, USA

Ms Patricia FEENEY, Rights and Accountability in Development, United Kingdom

Ms Julie TETARD, Office of the High Commissioner for Human Rights, assisting the UN working Group on Mercenaries

Mr Carlos LOPEZ, International Commission of Jurists

Mr Wilder TAYLER, International Commission of Jurists

Mr Gerald STABEROCK, International Commission of Jurists

Ms Lene WENDLAND, Office of the High Commissioner for Human Rights