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GENERAL ASSEMBLY
HUMAN RIGHTS COUNCIL
38th session
Item 2 : Thematic reports of the United Nations High Commissioner for Human Rights

CETIM's oral statement

Observations on the report of the United Nations High Commissioner for Human Rights: "Improving corporate accountability and access to remedies for victims of business-related human rights violations through non-judicial State mechanisms »¹

Mr. President,

Despite its good intentions, the report of the High Commissioner for Human Rights on corporate responsibility with regard to human rights fails to achieve its objective.

First, the report overemphasises non-judicial mechanisms, which by definition have limitations.

Secondly, the report aims at any company, including SMEs which are already covered by national legislation, and not specifically transnational corporations (TNCs), which are not subject to democratic and legal control.

Thirdly, the report praises the National Contact Points for the OCDE Guidelines for Multinational Enterprises, which are unsuited to the international context and are not dissuasive. Moreover, they are used as an argument against the establishment of effective and efficient international judicial mechanisms.

Fourthly, the report provides no solution to the cross-border issues raised by TNCs activities.

Fifth, the High Commissioner's recommendations are aimed solely at States, relieving TNCs of their responsibility with regard to human rights.

Moreover, we regret once again that the High Commission did not use the usual channels of the special procedures of the Human Rights Council to conduct consultations with civil society in preparing its report.

In this context, the draft resolution in consultation under Norway's leadership is incomprehensible since it will generate the investment of disproportionate resources and energy in an area that do not enable victims of TNCs to obtain full and effective justice.

¹ Cf. A/HRC/38/20, dated 14 May 2018.

The Human Rights Council should rather do everything in its power to further support the work of the Intergovernmental Working Group on TNCs and human rights.

Thank you for your attention.

Geneva, 25th June 2018