

Key Messages of the Presidency

From Principles to Practice: The European Union operationalizing the Guiding Principles on Business and Human Rights

Copenhagen, 8 May 2012

Human rights are fundamental to the European Union's (EU) external as well as domestic policies and the EU has recognised the significant role of the Guiding Principles on Business and Human Rights. These Principles serve as an important baseline for corporate social responsibility globally, recalling their unanimous endorsement by the UN Human Rights Council in June 2011. The Guiding Principles build upon the United Nation's 'Protect, Respect, Remedy' framework and set out the state's duty to protect human rights in relation to the activities of business enterprises, the corporate social responsibility to respect human rights and the need for both governments and businesses to provide adequate access to remedy for victims of human rights abuses.

The state's capacity and willingness to protect all internationally recognised human rights in relation to the actions of all actors, including the private sector, is essential. As Governments, we must respect, protect and fulfil human rights, but we must also ensure that business is aware of our expectations in regard to its compliance with all applicable laws and respect of human rights, as laid out in the Guiding Principles. In achieving a global level playing field on fundamental issues such as human rights we emphasize the importance of joint efforts to achieve successful implementation, and commends active follow-up on the conference' achievements in turning principles to practice. This includes taking appropriate steps to assist developing countries in promoting relevant policies as well as the effective implementation thereof.

The Expert Conference on 7-8 May 2012, hosted by the Danish EU Presidency, has developed valuable key messages to assist EU Member States, as well as the EU itself, in implementing the Guiding Principles. In parallel, the Conference has contributed to deepening the understanding of what Governments can do to align their own policies within trade, investment, development cooperation, procurement and other activities with the requirements and obligations stemming from their adherence to human rights. In particular, however, experts and stakeholders have explored how EU and Member States can support and facilitate due diligence processes as well as processes to enable remedial actions. Focusing on these specific areas has allowed participants of the conference to be concrete in their discussions and specific in their recommendations on improving the practice by both states and business alike in this area.

We acknowledge the achievements in the European Union since the statement by the Swedish and Spanish Presidencies in November 2009 endorsing the UN framework; in particular the Commission's Communication on Corporate Social Responsibility from October 2011. We look

forward to working closely with the EU as well as regional and international partners, including the UN Expert Working Group on Business and Human Rights, the OECD and the UN Global Compact.

We welcome the direct reference to the Guiding Principles in the 23 April 2012 EU Council of Foreign Minister's statement in relation to business investment into Burma/Myanmar and look forward to the implementation of this commitment.

With a point of departure in the Guiding Principles and to foster sustainable growth we encourage the European Commission and Member States to:

- Follow up on the recommendations made in the 2011 Communication on Corporate Social Responsibility (CSR) and in particular the planned report on EU priorities for the implementation of the Guiding Principles, to be published by December 2012;
- Develop national strategies, by December 2012, for national implementation of the UN Framework and the Guiding Principles in line with the invitation made in the 2011 CSR Communication on CSR from the European Commission.
- Provide relevant guidance to European businesses on how to handle human rights due diligence processes in their daily operations. To this end, we welcome the completion of the sector-specific human rights guidance for the Oil and Gas, Information Communication Technologies and Recruitment & Employment Agency sectors by December 2012, as well as the illustrative guide for small and medium-sized enterprises (SMEs) on human rights.
- Ensure on-going policy and legislative coherence across the European Union between business and human rights and other policy areas such as trade, investment, development cooperation, public procurement, corporate law and corporate governance.
- Ensure that adequate remedies exist for abuses of human rights and that governments, businesses and other actors work to put in place comprehensive state-based legal and non-legal grievance mechanisms as well as grievance mechanisms related to businesses directly.
- Promote European or national initiatives for non-financial reporting by European business that make specific reference to human rights and align fully with the Guiding Principles as an important baseline for CSR.
- Ensure joint and aligned efforts within the EU as well as with international partners and regions to achieve a global level playing field.
- Pursue public private partnerships and multistakeholder initiatives to fully leverage the private sector's contribution to sustainable development. This includes encouraging the private sector to take additional voluntary action to support and promote human rights.

We draw attention to the forthcoming report of our 7-8 May 2012 Expert Conference that will contain further guidance as to how the EU Commission and EU Member States can effectively implement the Guiding Principles on business and human rights. We commend this conference report to the European Commission, the European Parliament, the Council of the European Union and the 27 member states.