

CLOSING REMARKS AT THE HIGH-LEVEL PANEL

By Gerd Trogemann, Manager of the UNDP Istanbul Regional Hub, UNDP Regional Bureau for Europe and Central Asia

1st Regional Forum on Business and Human Rights in Eastern Europe and Central Asia

25 November 2020

13:00 – 13:15 Central European Time/15:00 – 15:15 Istanbul Time

First, let me express my appreciation on behalf of UNDP for your participation in the 3-day Regional Forum on Business and Human Rights in Eastern Europe and Central Asia.

We hope that this event has laid the foundation for a continuous dialogue and cooperation on this important topic, which in UNDP we put a lot of attention and commitment to.

We look forward to further engaging with all stakeholders, including governments, civil society, private sector and the international community in advancing this initiative together, in further thoughts, ideas, and lessons learnt, towards searching for common solutions and create a fairer environment for responsible businesses in Eastern Europe and Central Asia.

At the same time, we hope that this Forum can become a new tradition and that we will see each other again next year. A special thanks goes to the UN Working Group on Business and Human Rights for partnering with UNDP in organizing this event.

I am glad that this event happened in such an opportune moment: today more than ever the concept of Business and Human Rights has become pertinent. Covid-19 has not only had a devastating impact on our lives, it has had a particularly big impact on employment and livelihood, contributing to losses in jobs and income. This situation is an opportunity to partner better with the private sector in recovering from pandemic and building a more just and sustainable society.

Over the last three days, we have heard from a number of countries about their experiences and challenges. They have mentioned promising developments, such as the elaboration of National Action Plans, assessments, dialogue platforms and the use of due diligence tools on Business and Human Rights. I hope these experiences have inspired actors from countries where the Business and HR Agenda is not in focus yet. We look forward to having a few more chairs in our future panels and to welcoming more countries' experiences along those shared by Ukraine, Georgia, Serbia and others.

While acknowledging the progress made, we also learnt that there is still much to be done. A lack of public demand and political will, as well as a lack of awareness on the concept of

business and human rights across all sectors, including business itself, and its common confusion with Corporate Social Responsibility, are among the main challenges in our region. We have to fill these gaps, we have to advocate that the respect of human rights in business activities is beneficial to all, including the businesses themselves, leading to enhanced competitiveness and a level playing field. Companies that uphold Human Rights build trust both with their customers and investors, resulting in stability and prosperity.

Positive developments in neighbouring countries like the upcoming European Union directive on mandatory environmental and human rights due diligence will certainly have a spill-over impact on our region. After almost ten years since the adoption of UN Guiding Principles, it has become evident that voluntary measures should not supersede mandatory obligations as part of the “smart mix” foreseen by the UNGPs.

We should also not forget that it is not all about regulation, but also about the creation of certainty and right incentives for the corporations. We need to acknowledge that businesses face multiple challenges, and we need to create a favourable environment for them that would stimulate a more responsible approach from their side. For doing so, it is essential to invite the private sector to the dialogue. In general, partnerships are crucial, we have to work towards their enhancement and enlargement, including civil society and trade unions.

During these 3 days, we have also touched upon the importance of an effective Human Rights Due Diligence policy. We have seen that Human Rights Due Diligence should not be a one-time effort, but an integrated and continuing process consistent of a vast range of different tools. We have also seen that even in situations, where businesses are resistant on implementing due diligence, external factors, such as public expectations, investors, regulators and market itself push the entrepreneurs towards adopting such tools. In particular, we’ve noted how the time for voluntary measures may have passed, and that mandatory measures, including legislation are at our doorstep.

We also reviewed the common challenge in the region - the lack of sound grievance mechanisms. The evidence shows that such a gap often relates to a lack of knowledge and capacity on B&HR within judicial systems. Thus, as an initial step we have to concentrate our efforts in providing training and capacity building for lawyers and judges working with such complaints. Finally, we have to support National Human Rights Institutions in dealing with human rights violations in business. While these institutions can play an important role in addressing these abuses, they are often either limited by rather strict mandates, or lack capacities and resources.

We have also seen that gender equality is an indispensable element not only for global economic prosperity and welfare but also for successful businesses today. There is a need for a new social contract with the states and businesses, and we can only make it possible when we ensure equal rights for men and women at the workplace. Finally, we touched upon the emerging need for green recovery and the impact that COVID-19 had on the promotion of

environmental rights. The relation between the state of the environment and public health has become evident and increased the demand for green projects. At the same time, thanks to our panelists operating on the ground, we have learned about the harsh reality that environmental activists are facing in our region. This once again leads to the conclusion that we need to create effective grievance mechanisms that would contribute to a more substantial dialogue between governments, businesses, and society.

During our final session, we noted how the 10 th anniversary of the UN Guiding Principles presents an opportunity to take stock and to further invigorate their implementation. This will be done through a Roadmap to be presented by the UN Working Group to the Human Rights Council next June, to which this Forum was an input. From our region, we've heard of numerous challenges in this regard: governance gaps, the lack of public awareness and capacity on B&HR, a lack of access to remedy, as well as state capture and corruption. At the same time, we've heard of reasons to be positive, including the adoption of National Action Plans in a few countries in the region, the increased efforts of NHRIs, civil society and trade union activists, and the anticipated positive effect from EU-wide measures, including those to introduce mandatory Human Rights Due Diligence, and to strengthen engagement with partner countries and businesses. This Forum – and exchanges like it – offer a way forward, as they create much needed closer links and opportunities to exchange best practices.

As next steps, UNDP will continue supporting emerging partnerships and exchanges with the national and regional actors, which have actively participated in our Forum. We will also develop a summary of discussions and will share with you all. We will look forward to expanding this discourse to national levels as well – so that the awareness and implementation of Guiding Principles will impact daily lives of people.