11 February 2015

Dear Ambassador

**Committee of Ministers’ exchange of views on the issue of business and human rights - 12 February 2015**

National human rights institutions (NHRIs) are independent public bodies with responsibility for promoting and protecting human rights in line with the UN Paris Principles. The European Network of National Human Rights Institutions (ENNHRI) is Europe’s regional association of NHRIs, comprising forty-one members.[[1]](#footnote-1)

Ahead of tomorrow’s exchange of views on business and human rights within the Committee of Ministers, ENNHRI takes the occasion to express our strong support for the adoption of a Council of Europe Recommendation to address gaps in the implementation of the UN Guiding Principles on Business and Human Rights (UNGPs) at the European level.

ENNHRI recognizes that measures to promote and protect human rights at European regional level and within the UN should operate in synergy. Equally, ENNHRI recalls the autonomy of the Council of Europe, and that the UN Guiding Principles, as all human rights instruments, represent a minimum threshold, and do not preclude the adoption of additional measures, where needed, in line with States’ fundamental duty to protect and uphold human rights within their jurisdiction and through international cooperation.

In this context, ENNHRI observes that, in spite of the UN Human Rights Council’s 2011 endorsement of the UN Guiding Principles, human rights abuses resulting from or linked to activities of businesses (including businesses registered or present in Council of Europe member States) continue to escalate in many countries across the world.

Within our European region, human trafficking; abuses of the rights of migrant workers; discrimination, on grounds such as sex, race, religion, age and disability, in the workplace and in access to services; unsafe and undignified working conditions; environmental damage resulting from business activities; and breaches of the right to privacy, amongst others, remain endemic.

At the same time, measures taken by states and businesses, including those of Council of Europe member States, to prevent and remediate such impacts remain in most cases inadequate and impunity for business-related human rights abuses remains pervasive.

Accordingly, ENNHRI identifies the drafting of a Council of Europe Recommendation on business and human rights as an opportunity of great value, holding the potential:

* To stimulate and support increased awareness and understanding amongst governments, business, civil society and rights-holders of human rights and their requirements in the business context
* To contribute to effective implementation of the UN Guiding Principles on Business and Human Rights within the European region, for instance, by providing for the establishment of a regular dialogue between Council of Europe member States and stakeholders, based on measures to implement the UNGPs, such as national action plans on business and human rights
* To identify, through such a process of continuing dialogue, and exchange of information, best practices and lessons learned, as well as gaps in protection.

ENNHRI urges the Council of Europe to exercise leadership and maintain its full support for the UNGPs and their effective implementation in Europe, and for the better realisation and enjoyment of human rights within and beyond our region

Yours faithfully

Prof. Alan Miller

Chair, ENNHRI and Chair, Scottish Human Rights Commission

1. <http://nhri.ohchr.org/EN/Pages/default.aspx>. [↑](#footnote-ref-1)