

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

30 June 2016

Strong commitments on business and human rights must translate into meaningful action

Amnesty International welcomes the Council Conclusions on Business and Human Rights adopted by the EU Foreign Affairs Council on 20 June 2016. In particular, the organisation welcomes the emphasis placed on the need to ensure corporate respect for human rights and human rights due diligence, access to remedy, business transparency and support to human rights defenders. To be meaningful, the Council's calls and recommendations must now be translated into immediate and concrete action that seeks to address gaps in corporate accountability for human rights abuses and access to remedy.

Amnesty International fully supports the Council's call on the European Commission to enhance the implementation of the United Nation's Guiding Principles on Business and Human Rights including with regard to due diligence. The organisation also shares the Council's view regarding the critical role that business transparency can play to enable stronger human rights due diligence practices and the potential that the EU Directive on disclosure of non-financial and diversity information holds in this regard. Although this marks an important first step, this measure alone is not enough. To ensure all EU companies effectively "integrate human rights due diligence into their operations to better identify, prevent and mitigate human rights risks", as predicated by the Council, the EU and Member States must legally require EU businesses to respect human rights and to undertake human rights due diligence throughout their global operations.

Amnesty International agrees with the Council that access to effective remedies is of crucial importance and that both the EU and Member States must make greater efforts going forward to guarantee access to remedies, including by lowering existing barriers. The organisation is therefore supportive of the Council's call on the EU institutions and Member States to implement the Council of Europe's Committee of Ministers Recommendation on Human Rights and Business which provides concrete guidance on ways of removing barriers to justice for business-related human rights abuses. Of particular importance in this regard is the Council of Europe's recommendation to ensure that human rights abuses caused by EU companies either domestically or abroad give rise to civil liability. The European Commission should come forward with a legislative proposal that places EU companies under a duty of care or a "duty to prevent" human rights abuses in the context of their worldwide operations. Eight European parliaments recently agreed to make this call to the European Commission through a so called ["green card" initiative](#).

Amnesty International appreciates the Council's commitment to policy coherence and to strengthen the capacity of EU delegations and Member States' embassies to work effectively on

business and human rights issues and to support human rights defenders working on corporate accountability. When promoting trade through trade agreements, policy dialogue, and development cooperation, the EU and Member States are actively providing companies with a variety of services to facilitate and promote access to external markets. Businesses' respect for human rights must be at the core and a condition for this support. In addition, the EU's and Member States' commitment to implement the UN Guiding Principles on Business and Human Rights must also be reflected in the way their delegations and embassies across the globe deal with, promote or intervene to ensure the effective protection of all human rights defenders without discrimination in the context of business activity.

Amnesty International shares the Council's high expectations towards the forthcoming EU Action Plan on Responsible Business Conduct and the policy framework it will outline. This will be an important instrument for the implementation of business and human rights standards at EU and Member State level going forward. We urge EU institutions and Member States to translate the Council's commitments and recommendations into concrete, meaningful measures to ensure EU businesses effectively respect human rights throughout their global operations and victims of corporate abuse can access justice.