

High Representative Catherine ASHTON

European External Action Service
European Commission

Brussels, 19 May 2014

Our Ref: B1569

Dear High Representative Ashton,

REQUEST FOR A MEETING ON THE EUROPEAN EXTERNAL ACTION SERVICE'S ROLE IN THE IMPLEMENTATION OF THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

As a network of development, human rights, environmental and consumer groups, we are writing to request a meeting with you to discuss the role of the European External Action Service (EEAS) in the implementation of the UN Guiding Principles on Business and Human Rights (UN Guiding Principles). The publication of several National Action Plans for the UN Guiding Principles' implementation, the 10 February Foreign Affairs Council conclusions where Ministers reaffirmed their commitments to implementing the UN Guiding Principles, as well as the recent discussions at international level on the establishment of a binding instrument on business and human rights, have reinforced the need for coherent action within the European Union (EU).

With the Lisbon Treaty, the EU committed to promote human rights and to make them a central aspect of its external relations. The EU also committed to properly implement, both within and beyond the Union, the UN Guiding Principles in several documents such as *A renewed EU Strategy 2011-2014 for Corporate Social Responsibility, Human Rights and Democracy at the Heart of the EU External Action*, or in the *EU Strategic Framework and Action Plan on Human rights and Democracy*. A Eurobarometer survey shows that European citizens have high expectations in this area: 87% agree that the EU should ensure private companies comply with social and ethical standards.¹

Despite this, the implementation of the UN Guiding Principles has seen little progress at EU level. Effective regulatory measures are needed to ensure the respect for and the promotion of the principles. A first measure is to require businesses to undertake human rights due diligence throughout their global operations to prevent and mitigate human rights abuses. It therefore concerns us to see that in the proposal on responsible sourcing to prevent the trade of so-called "conflict minerals" released in early March, in which EEAS has been closely involved, the European Commission took a different route suggesting a voluntary due diligence system only. This is a missed opportunity to ensure that businesses fulfil their responsibilities towards human rights, and to pursue the implementation of the UN Guiding Principles.

While European businesses can also contribute to the EU objectives of poverty alleviation, sustainable development and inclusive growth, it cannot be ignored that many cases of companies' involvement in human rights violations outside of the EU involve European businesses. Effective human rights protection is therefore also needed when business operations are carried out beyond the EU.

¹ "Solidarity that spans the globe: European and Development aid", Special Eurobarometer 392 - June 2012, http://ec.europa.eu/public_opinion/archives/ebs/ebs_392_en.pdf.

It is against this background that we urge the EEAS to actively contribute to the protection of human rights against abuse in the context of business operations and show support to the UN Guiding Principles and their implementation. The principles' implementation should be part of the EEAS' interactions with its partners. Particularly where the EEAS promotes the presence of EU business in foreign markets, it is necessary to ensure that businesses implement the UN Guiding Principles, and that there is access to remedy for business-related crimes and violations to human rights. In the context of abuse in correlation with business operations, human rights defenders must be recognised as such and receive the protection granted under the EU Guidelines on Human Rights Defenders.

As DG Enterprise and Industry prepares concrete suggestions on how the UN Guiding Principles should be implemented by the EU institutions, we would like to discuss with you how EEAS' role should be reflected in these suggestions. We therefore would like to request a meeting at your earliest convenience.

We stand ready to provide further information.

Yours sincerely,



Jerome Chaplier
Coordinator
European Coalition for
Corporate Justice



Bernd Nilles
Secretary General
Coopération Internationale pour le
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Ivorna McGowan
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