



Members of the UN Working Group
on the Issue of Human Rights and Transnational
Corporations and other Business Enterprises

OHCHR
Palais des Nations
CH-1211 Geneva 10, Switzerland

London-Sao Paulo, 13 July 2012.

Dear Members of the Working Group,

We have followed with interest the presentation of your report to the Human Rights Council. However, we noted with some concern the limitations set on country visits and receipt of information.

The resolution A/HRC/Res. 17/4 that created the mandate requested the Group to conduct **country visits**; the resolution did not limit the scope of these visits. According to information on the website of the Office of the High Commissioner for Human Rights: “during the country visit the experts will meet with national and local authorities, (...); non-governmental organizations, civil society organizations and victims of human rights violations”¹. This is also the long-standing practice of other Special Procedures. However, in its recent report, the Working Group framed the objectives of the visits in the following terms: “promoting constructive dialogue with States and all relevant stakeholders at the national level, and will have the aim of identifying, exchanging and promoting good practices and lessons learned in the implementation of the Guiding Principles.”²

To discharge its mandate effectively the Working Group’s country visits should include attention to cases where human rights abuses are alleged to be occurring as a consequence of, or in the context of, corporate activity, particularly where there is a pattern of abuse or the abuses are long-standing.

¹ See OHCHR web site: <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryandothervisitsSP.aspx>. Emphasis added.

² Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, Human Rights Council, Document A/HRC/20/29, 10 April 2012, para. 86.

Visits take time to arrange and Special Procedures often make several visit requests to ensure that at least two country visits can be carried out in any given year. Our organizations note with concern that to date the Working Group has only made one visit request and only in June 2012. Moreover, the Working Group stated that it “intends to approach States that have issued standing invitations to special procedures, and encourages other States, from all geographic regions, to issue invitations to the Working Group”. Our organizations encourage the Working Group to clarify that it will not limit its requests for visit to States that have issued standing invitations but will actively seek visits to any country the Working Group may deem useful to visit.

In relation to the **receipt of information**, we welcome the statement that “Information received from relevant stakeholders relating to specific human rights violations will be used as appropriate by the Working Group to inform its work and strategy, to identify barriers to the effective implementation of the Guiding Principles and gaps in the protection of human rights in the context of business activities, and to inform recommendations made to States, business and other actors on the implementation of the Guiding Principles³.” We look forward to this aspect of the Working Group’s work, as we believe that an examination of actual cases of corporate abuse is vital for a full understanding of the problems as they affect people on the ground and for the articulation of effective and relevant solutions. However, we also note the statement that “the Working Group is not in a position to investigate individual cases of alleged business-related human rights abuse.” The latter statement may be open to the interpretation that the Working Group will not take any action on information received about allegations of abuse.

We would welcome a public clarification that, in line with the Working Group’s mandate to continue to explore options and make recommendations at the national, regional and international levels for enhancing access to effective remedies available to those whose human rights are affected by corporate activities, the Working Group is looking forward to receiving information from affected groups and that where credible information is received this will be raised with the relevant States and companies, assessed and reported on. Our organizations appreciate that the scale and complexity of the issues at hand and resource constraints might affect its ability to deal with all information received from affected groups. However, other Special Procedure mandates with equally complex and broad mandates have overcome this difficulty by focussing on emblematic cases that can, *inter alia*, provide vital information useful to assess implementation of standards falling within their mandates and make recommendations thereon. Our organizations are concerned that by stating that it is not in a position to investigate individual cases, the Working Group has unduly narrowly interpreted and closed the door to an important means of carrying out its mandate.

As both our organizations have emphasised, the Working Group must examine and learn from real-life cases of corporate abuse, including the experience of victims and of civil society groups in seeking remedy and accountability. This is recognised by the Working Group’s remark that it intends to carry out its mandate in a manner that “any findings and recommendations respond to

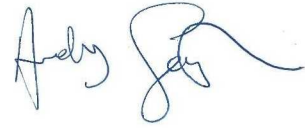
³ Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, Human Rights Council, Document A/HRC/20/29, 10 April 2012, para. 88.

practical and operational realities on the ground". An essential way of doing this is by consideration of cases received and meeting victims of corporate abuse during country visits.

We look forward to your response.

A handwritten signature in blue ink, appearing to read "Juana Kweitel".

Juana Kweitel
Program Director
Conectas Direitos Humanos

A handwritten signature in blue ink, appearing to read "Audrey Gaughran".

Audrey Gaughran
Program Director, Global Issues
Amnesty International
International Secretariat