



In collaboration with

## VII FORO REGIONAL DE LAS NACIONES UNIDAS SOBRE LAS EMPRESAS Y LOS DERECHOS HUMANOS PARA AMÉRICA LATINA Y EL CARIBE



### ACCOUNTABILITY FOR RESPONSIBLE BUSINESS CONDUCT

Bogotá, Colombia | Hybrid format: 13, 14 and July 2022

## Concept Note

### INTRODUCTION

The world stands at a critical moment. As governments and businesses look for ways to respond to the realities of a global pandemic, rising inequality and the triple planetary crisis - climate change, pollution and biodiversity loss - global efforts to promote sustainable supply chains and financial flows have taken on new momentum. Accountability, an enabling condition for responsible business conduct (RBC) has the critical potential to make this change happen.

Set against this background, with the [United Nations Guiding Principles on Business and Human Rights](#) (UNGPs), the [OECD Guidelines for Multinational Enterprises](#) and the [ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy](#), as the central reference point for efforts toward bridging these gaps, the VII Regional Forum on Business and Human Rights (BHR) for Latin America and the Caribbean (LAC) will look at efforts and gaps to secure accountability for adverse business related impacts on human rights and the environment in the region.

A smart mix of States measures, including mandatory due diligence legislation, national actions plans on business and human rights and measures to improve the effectiveness of grievance mechanisms<sup>1</sup> and to tackle corruption, is critical in ensuring that rights holders can exercise their human rights and have access to justice when abuses occur. Corporate due diligence for Responsible Business Conduct is another effective tool to promote accountability and access to remedy, as it includes the expectation that companies “account for how they address their human rights impacts” by communicating this externally. “Showing involves communication, providing a measure of transparency and accountability to individuals

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<sup>1</sup> More information on how to improve the effectiveness of grievance mechanisms can be found through the accountability and remedy project of OHCHR: <https://www.ohchr.org/en/business/ohchr-accountability-and-remedy-project>

or groups who may be impacted and to other relevant stakeholders, including investors”<sup>2</sup>. In addition, where businesses identify they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation.

At the same time, the regional Forum presents an opportunity to address and discuss remaining challenges, such as corruption, lack of judicial independence and misuse of the justice system to silence those defending their rights and the rights of communities impacted by business operations, among others.

In this context, the VII Regional Forum of BHR in LAC, organised by the UN Working Group on Business and Human Rights and the Office of the High Commissioner for Human Rights, in collaboration with OECD, will seek to discuss some of these challenges and lessons learned in a multi-stakeholder format, based on practical experiences of what has worked or not to protect human rights in the context of business activities, including environmental and labour rights. The Colombian Government has offered to host the VII.

This year discussion will also be informed by the road-testing version of the [Regional roadmap for the next decade of BHR](#), that was discussed during last year regional Forum, based on the [Global Roadmap](#), and has been commented on by hundreds of stakeholders. The VII Regional Forum will contribute to the decision on which issues to include in the final regional road, which provides recommendations aimed at States, business, and other stakeholders on a range of areas of particular relevance in the region in regards to the business and human rights agenda.

## PROGRAMME

Due to the ongoing worldwide challenges the COVID-19 pandemic continues to pose, but also considering the benefit of some virtual component for such discussion, the VII Regional Forum will take place in a hybrid format, physically in Bogotá, Colombia, and virtually through Zoom.

As in previous years, the first day of the Forum, 13 July, will be dedicated to preparatory meetings and peer events organized directly by external organizations, such as indigenous peoples, businesses, governments, NHRIs, judges, workers, and civil society organisations. If the organizers desire, the conclusions of these discussions will be shared on the Regional Forum website. Please inform the Secretariat of the regional forum regarding preparatory events that your organisations will lead in the context of the regional forum, writing to the [ohchr-rbclac@un.org](mailto:ohchr-rbclac@un.org) with the subject field of the email noting: “PREPARTORY EVENTS”.

On 14 and 15 July, plenary and parallel sessions will be scheduled. As in previous years, the Secretariat will launch an open call for session organizers at the end of March 2022.

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<sup>2</sup> Comment UNGP 21

## GENERAL OBJECTIVE

Discuss opportunities, challenges and practices to improve accountability with regard to business and human rights in the region among key stakeholders from different countries and sectors.

## SPECIFIC OBJECTIVES

- Exploring steps taking by LAC **Governments, including policies, legislation and other means** to promote responsible business conduct and to secure accountability and remedy for victims of business-related human rights abuses
- Tracking the **progress made by business to ensure due diligence for RBC in line with RBC international instruments**, across value chains, including to account for how they address their adverse impacts on people and the environment
- Exploring the impact of the rise in **regulatory initiatives on due diligence** for responsible business conduct and the impact on the region
- Evaluating different efforts and **remaining challenges and bottlenecks** by States and business to **improving accountability and [access to remedy for rights-holders](#)** affected by business-related abuses on human rights and the environment, including judicial grievance mechanisms and non-judicial grievances mechanisms, such as the National Contact Points for Responsible Business Conduct and National Human Rights Institutions
- Tackling the special needs and challenges of specific groups to get access to remedy, including **women, LGBTIQ+ persons, human rights defenders, persons with disabilities, children, affected communities including indigenous and afro-descendent peoples and workers**
- Discussing opportunities to harness social dialogue and stakeholders engagement to prevent abuses associated to **conflict affected and sector high risks areas** including in relation to the rights of indigenous and afro descendant peoples
- Connecting the **international RBC instruments and climate change** agendas, especially with respect to access to remedy and reparations, in particular for those in vulnerable situations
- Tracking efforts made by governments and businesses to **enhance transparency of State institutions** in order to prevent and address corruption and corporate political engagement.
- **Strengthening the capacity of all relevant stakeholders** in relation to the business and human rights and international responsible business conduct to participate meaningfully and equally in the development and implementation of relevant RBC initiatives, including the Forum.
- **Facilitating the exchange** of good RBC practices, peer-to-peer learning, inclusive multi-stakeholder dialogue, and networking opportunities among regional actors.

## PARTICIPATION

Representatives of State institutions, businesses, trade unions, civil society organisations, indigenous peoples and local communities, law firms, investors, international and regional organisations, RBC national contact points of OECD (NCPs), NHRIs, academia, media and all other stakeholders interested in the advancement of the BHR agenda are invited to participate in the LAC BHR Forum. If you wish to participate in person in Bogota, please register here. Please be aware that due to COVID related restrictions, space is limited.

## ABOUT THE REGIONAL FORUM

The VII Regional Forum is organized by the Office of the UN High Commissioner for Human Rights in Colombia and the UN Working Group on Business and Human Rights, in collaboration with OECD. Since its first session held in Medellin (Colombia) in 2013, the Regional Forum on BHR in LAC has become a key gathering on business and human rights for Governments, businesses and civil society alike, and one of the most important human rights meetings in LAC. It provides a platform through which a wide array of actors can periodically exchange information on progress and challenges regarding States' legal and institutional frameworks, corporate policies, and industry-level and multi-stakeholder initiatives, in one of the most dynamic regions in relation to the BHR agenda. It also offers a space through which civil society organisations, local communities and indigenous peoples can share their experiences and concerns in relation to the impacts of business activities.

Going forward, it seeks to play an even stronger role in reinforcing existing progress in the region and supporting efforts by stakeholders to build further momentum to drive wider impact. It also serves as a key input for the Annual Global Forum on BHR, which takes place in Geneva. The Regional Forum has been jointly organized and chaired by OHCHR and the [UN Working Group on Business and Human Rights](#) and, since 2019, it has been financially supported by the [Responsible Business Conduct in Latin America and the Caribbean](#) project (RBCLAC), which is jointly implemented by OHCHR, the [Organisation for Economic Co-operation and Development \(OECD\)](#), the [International Labour Organisation \(ILO\)](#) and supported by the European Union (EU),

The RBCLAC project aims at promoting responsible business conduct practices in line with international standards, including the [United Nations Guiding Principles on Business and Human Rights](#), the [OECD Guidelines for Multinational Enterprises](#) and the [ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy](#).

For more information on previous Regional Forums and the discussions that took place in those events, please check [this link](#).

