



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

AGENDA

Organizado por:



Con el apoyo de:



Building bridges between business, human rights and the right to a healthy environment

Note on the format of the VIII Regional Forum

Since its inception, the Regional Forum has aimed to be a participatory space for multi-stakeholder dialogue, where all sectors can meet to share ideas, proposals and visions that contribute to advancing the business and human rights agenda with concrete results for people and the environment.

In recent years, we have received and listened to suggestions from various stakeholders and we know that the Forum needs to renew itself in order to have more spaces for active and participatory dialogue. Therefore, for this edition, we propose that the Forum be structured on the basis of these two types of sessions:

- **Plenary sessions:** our traditional multi-actor discussion spaces where guests comment on standards, progress, challenges, life experiences and examples. These sessions will be similar to the panels of previous years and most of the time will be dedicated to the presentation of the panelists. In total, the Forum will have 5 plenary sessions.
- **Multi-stakeholder dialogue sessions:** **New!** After each plenary session, there will be three parallel spaces for discussion related to the topic addressed in the plenary. Here the participation and contributions of the audience will be vital. The sessions will begin with brief presentations by a small panel of a maximum of three representatives from different sectors, which will lay the groundwork for discussion with the public. We will use a variety of methodologies so that most of the time will be devoted to listening to proposals, ideas and comments from the public. The results of these discussions will be presented later in the plenary session that closes each day. In total, the Forum will have 13 thematic discussions.



8:30-9:00	REGISTRY			
9.00 - 9.30	OPENING			
9:30 - 10:45	OPENING PLENARY: CONNECTING THE BUSINESS AND HUMAN RIGHTS AND ENVIRONMENT AGENDAS			
11:00 -12:30	Thematic discussions			
	Dialogue between the Escazú Agreement and the Guiding Principles	A Latin American look at the international treaties under discussion	Just Transition: how to protect the environment without impacting rights	
12:30 - 13:15	LUNCH			
13:15 - 14:30	PLENARY PILLAR 1: PUBLIC POLICIES AND REGULATORY FRAMEWORKS The role of the state in regulating, promoting and monitoring business conduct and its impacts on human rights, including the right to a healthy environment.			
14:45 - 16:15	Thematic discussions			
	Trends in human rights due diligence regulations and corporate legal accountability	Protection of the environment in National Action Plans	How can the state's oversight role be improved?	Human rights and environmental defenders
16.15 -16.45	COFFEE			
16.45- 17:15	Reflections and calls for action on day 1			



9:30 - 10:45	PLENARY PILLAR 2: DUE DILIGENCE FOR THE RESPECT OF HUMAN RIGHTS, INCLUDING THE RIGHT TO A HEALTHY ENVIRONMENT How can the rights to information, participation and access to justice contained in the Escazú Agreement contribute to strengthening the human rights due diligence proposed in the Guiding Principles, taking into account sectoral specificities?		
11:00 - 12:30	Thematic discussions		
	Agribusiness sector	Extractive sector	Financial sector
12:30 - 13:15	LUNCH		
13:15 - 14:30	PLENARY PILLAR 3: ACCESS TO REMEDY FOR HUMAN RIGHTS IMPACTS ON BUSINESS, INCLUDING THE RIGHT TO A HEALTHY ENVIRONMENT Individuals, communities and people in vulnerable situations at the centre		
14:45 - 16:15	Thematic discussions		
	Environmental justice and business. Progress and strategies in the region	Beyond the courts: opportunities and challenges of other state mechanisms	Business grievance mechanisms and participatory and gender-sensitive approaches
16.15 - 16.45	COFFEE		
16.45- 17:15 -----	Reflections and calls to action on Day 2 -----		
17:15 - 18:00	CLOSING PLENARY		

COMMENTED AGENDA

OPENING PLENARY Connecting the business and human rights and environment agendas: The main objective of this session is to address the current trend-setting global and regional discussions on the intersection between the business and human rights and the environment agendas, in order to strengthen responsible business conduct in the Latin

American and Caribbean region.

Multi-stakeholder dialogue sessions

1. **Dialogue between the Escazú Agreement and the Guiding Principles:** the focus of this session will be to identify how the two instruments feed back into each other; how the standards set out in the Escazú Agreement could feed into the Guiding Principles and vice versa. The session will also seek to discuss what the Escazú Agreement implies for companies and what it implies for the State to guarantee the right to information, participation and reparation; as well as how civil society can use it for advocacy.
2. **A Latin American look at the international treaties under discussion:** This session will focus on the plastics treaty and the treaty on business and human rights. Firstly, it will seek to identify the region's vision of these instruments, and then discuss how these processes can converge; how they could mutually strengthen each other by taking issues from the plastics treaty to the business treaty and vice versa. To frame the discussion, time will be devoted to the presentation of each of these negotiations.
3. **Just Transition: How to protect the environment without impacting rights:** This session seeks to generate discussion on the importance of just transition processes - making the economy as fair and inclusive as possible, creating decent work opportunities, leaving no one behind - and the challenges that remain to ensure it. A just transition involves maximizing the social and economic opportunities of climate action, while minimizing and carefully managing challenges, including through effective social dialogue among all affected groups and respect for fundamental labor principles and rights. This also involves addressing the environmental risks and impacts of transitional mining, the rights of Indigenous Peoples, land and territorial impacts, and participation among others. This discussion will address the challenges in terms of just transition management, social dialogue, and how to maximize the opportunities it presents for decent work and the protection of human rights.

PLENARY PILLAR 1: PUBLIC POLICY AND REGULATORY FRAMEWORKS

The role of the State in regulating, promoting and monitoring business conduct and its impacts on human rights, including the right to a healthy environment: The central focus of this plenary is to discuss how the State should more effectively fulfil its duty to protect human rights, including the right to a healthy environment, in its activities of regulation, adoption and adequate implementation of public policies, as well as monitoring compliance with existing regulations.

1. **Trends in human rights due diligence regulations and corporate legal liability:** The focus of this session is to reflect on the different regulatory trends that are taking place in the region to strengthen the responsibility of companies to respect human rights, from mandatory due diligence legislation to broader and/or sector-specific framework laws with specific standards. The aim of this discussion is to take stock of progress to date and discuss the key elements that should be included in legislation on due diligence and corporate legal responsibility that protects the environment. The session also seeks to reflect on the obstacles to implementing existing regulations, including institutional weaknesses and available resources, as well as existing regulatory gaps.

2. **Environmental protection in National Action Plans:** One of the objectives of NAPs is to generate coherence between various public policies, integrating the business and human rights approach. This session seeks to generate a discussion on how NAPs can foster coherence between environmental and human rights policies in the region. In this sense, the integration of the Escazú Agreement into the core of the efforts for the elaboration of National Action Plans in the region can contribute to accelerate their implementation. Among several aspects, the implementation of the Escazú Agreement requires greater institutional articulation, coherence and alignment between different public policies and regulatory frameworks, the development of new public policies, and the modification of pre-existing ones.
3. **How can the state's oversight role be improved?** The region is characterised by a proliferation of norms that set human rights and environmental standards in different countries. However, the levels of effective implementation of these regulations are very low, with a large compliance gap that needs to be addressed. The focus of the session is to reflect on how to innovate and strengthen state oversight and monitoring mechanisms. Also, to discuss the role that NHRIs, individuals and communities can play in collaborating with these mechanisms, promoting a human rights approach; as well as examples of innovative monitoring tools implemented by companies.
4. **Human rights defenders and environmental defenders:** This session will discuss the protection measures for defenders that exist in the region to create a safe and enabling environment to operate without threats and restrictions, as well as their effectiveness. Another aspect to be addressed is the role of defenders in the elaboration and implementation of regulations and public policies, including the National Action Plans on Business and HRDD legislation, as well as in State oversight on environmental and human rights issues.

PLENARY PILLAR 2: DUE DILIGENCE FOR THE RESPECT OF HUMAN RIGHTS, INCLUDING THE RIGHT TO A HEALTHY ENVIRONMENT

How can the rights to information, participation and access to remedy contained in the Escazú Agreement contribute to strengthening the human rights due diligence proposed in the Guiding Principles, taking into account sectoral specificities?

The central theme of this plenary is the relationship between HRDD and environmental access rights (right to information, participation and access to remedy). The aim is to generate a reflection on how a joint approach could strengthen the internal processes of companies, focusing specifically on the three prioritised sectors.

1. **Agribusiness sector:** this session will delve into how and to what extent regional and international standards, instruments and regulations (e.g. Escazú Agreement, due diligence legislation and sectoral guidelines) can strengthen human rights and environmental due diligence in the agricultural sector in the region. The session especially seeks to discuss how due diligence can strengthen stakeholder engagement, access to information and remedy and, vice versa, how due diligence addresses the duty to manage risks, ensure access to information and disclosure, and access to remedy.

2. **Extractive industries sector:** This session will delve into how and to what extent the standards on information, participation and remedy established in various international standards and instruments, including the Escazu Agreement, can strengthen human rights and environmental due diligence for the mining and extractive sector in the region. The session especially seeks to discuss how meaningful stakeholder participation standards can strengthen due diligence processes, especially including potentially affected groups in this sector. It also seeks to explain how the duty of companies to manage social and environmental risks dialogues with the right of access to information and disclosure, and the standards of access to remedy.
3. **Financial sector:** this session will delve into how the standards on information, participation and remedy set out in the Escazú Agreement can strengthen human rights due diligence in the financial sector in the region, with a focus on commercial banks and institutional investors. In particular, the session seeks to discuss how public participation standards can strengthen and give content to meaningful consultation with stakeholders and especially potentially affected groups in this sector. It also seeks to make explicit how the duty of communication of companies dialogues with the right of access to information and disclosure; and the standards of access to redress of both instruments. Given the particularities of the financial sector and its role in supply chains, the discussion on the specific meaning and scope of these rights for financial companies is a pending question.

PLENARY PILLAR 3: ACCESS TO REMEDY FOR HUMAN RIGHTS IMPACTS ON BUSINESS, INCLUDING THE RIGHT TO A HEALTHY ENVIRONMENT. **Communities and people in vulnerable situations in the centre.**

Access to remedy is a human right in itself and one of the fundamental pillars of the Guiding Principles. The Escazú Agreement also highlights the importance of access to justice in environmental matters and the importance of facilitating access for vulnerable groups. This panel seeks to generate a reflection on the existing mechanisms for accessing remedy in cases of human rights impacts, including the right to a healthy environment, the obstacles they present, as well as relevant advances. It is expected that the analysis will consider the perspective of groups in situations of vulnerability, such as women, children and adolescents, migrant workers, human rights and environmental defenders, LGTBI+ persons, as well as persons with disabilities, Indigenous Peoples and Afro-descendants, among others.

1. **Environmental justice and business. Progress and strategies in the region:** the judiciaries of the region have made progress in the protection of human and environmental rights through the incorporation of international and regional instruments in their analysis. This session seeks to identify the strategies used by affected people, including strategic environmental and climate litigation, as well as the progress made in the region in judicial matters and the persistent challenges for the effective protection of human rights in the business sphere.
2. **Beyond the courts: opportunities and challenges of other state mechanisms:** Environmental administrative mechanisms today present important challenges to the effectiveness of accessing remedy in cases of human rights violations. This session will discuss the progress achieved so far, as well as the persistent obstacles and limitations

in environmental administrative mechanisms. How to connect the role of these mechanisms for environmental restoration with reparation to victims? In addition, the session seeks to generate a reflection on the opportunities and limitations presented by the use of other available non-judicial mechanisms, such as NHRIs and NCPs in the region, as well as their potential contribution to or cooperation with state administrative mechanisms.

3. **Corporate grievance mechanisms and participatory and gender-sensitive approaches:** Through longstanding work on remedy, OHCHR has identified that there is a clear relationship between greater participation of affected people in the design and implementation of corporate grievance mechanisms and their effectiveness. A gender perspective is also relevant for these mechanisms to take into account not only specific adverse impacts, but also to promote systemic changes in corporate structures that cause these impacts. This session will seek to reflect on the participatory and gendered approach in company operational mechanisms and industry-generated mechanisms in the region. What exists and what is missing?

CLOSING PLENARY: After two days of discussion at different tables, we will share a general reflection of what was discussed and ideas of where we can move forward.