

Concept note

VIII Regional Forum on Business and Human Rights in Latin America and the Caribbean

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

10, 11 and 12 October 2023

Casa Central Universidad de Chile, Santiago

The VIII Regional Forum will focus on the relationship between the business and human rights agenda and the right to a healthy environment. The event will take place physically in Santiago de Chile and will be broadcast live through virtual platforms. Preparatory events will be held on the 10th and multi-stakeholder sessions on the 11th and 12th. This year the Forum will have a new format that seeks to encourage more public participation in order to seek solutions and commitments from all stakeholders based on social dialogue.

[Link to registration](#)

[Link to agenda](#)

INTRODUCTION

Environmental degradation, including climate change, undermines the enjoyment of a wide range of human rights, such as the right to life, food and housing, as well as the right to live in a healthy environment. Given the interdependent relationship between human rights and the environment, business operations can generate multiple, in some cases cumulative and even irreparable impacts. Within the framework of their international obligations, States should respect and protect human rights and the environment as well as be catalysts for the respect of human rights and the protection of the planet by business in line with the [UN Guiding Principles on Business and Human Rights \(Guiding Principles\)](#), the [OECD Guidelines for Multinational Enterprises on responsible Business Conduct](#) and the [ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy](#).

The recognition of the human right to a clean, healthy and sustainable environment by the Human Rights Council and the General Assembly, as well as the adoption of the first regional environmental treaty - the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú

Agreement) - contribute to clarifying the fundamental connections between the obligations of States to protect and respect environmental human rights and the responsibilities of business in this area as part of the business and human rights agenda. Similarly, Advisory Opinion N°23/17 of the Inter-American Court of Human Rights has also recognised the right to a healthy environment as an autonomous human right with both individual and collective connotations. Likewise, initiatives for analysis, management and disclosure of environmental, social and governance risks and those promoted in the field of sustainable finance are also helping to connect the expectations of business conduct in terms of addressing human rights and environmental impacts. However, the reality still shows gaps between these two agendas in terms of public policy, business initiatives and practices, and societal advocacy. Challenges also persist in terms of access to environmental justice and effective redress mechanisms for affected communities and individuals.

While there is no universally agreed definition of the right to a healthy environment, the right is generally understood to include substantive and procedural elements. Substantive elements include clean air; a safe and stable climate; access to safe water supply and sanitation; healthy and sustainably produced food; non-toxic environments in which to live, work, study and play; and healthy biodiversity and ecosystems. Procedural elements (or access rights as defined in the Escazú Agreement) include access to information, the right to participate in decision-making, and the right to access justice and legal remedies, including the safe exercise of these rights without reprisals. Enforcing the right to a healthy environment also requires international cooperation, solidarity and equity in environmental action, including the mobilisation of resources and the recognition of extraterritorial jurisdiction over human rights harms caused by environmental degradation.

In this context, the critical role of human rights and environmental defenders in identifying and assessing actual and potential adverse human rights impacts of business activities should be highlighted. However, as has been widely documented, human rights defenders are often at greater risk of attack for their work, especially in Latin America. States must ensure safe and enabling environments for defenders to carry out their work without restrictions, threats or attacks on their integrity. Businesses should include impacts on these groups in their human rights due diligence processes.

There are great opportunities for states, business and civil society, rights holders - communities, human rights and environmental defenders, workers - but also academia and think tanks to work together to support the respect of human rights and the protection of the environment. To this end, the 8th Regional Forum seeks to bring together the protagonists of these two central agendas to create greater synergy and join forces for greater protection of human rights and the planet.

The VIII Regional Forum is organised by the Office of the United Nations High Commissioner for Human Rights and the UN Working Group on Business and Human Rights, with the support of the Swedish Cooperation Fund, the United Nations Environment Programme (UNEP), the Government of Chile, the Konrad Adenauer Foundation and the Avina Foundation. The Forum



is organised in the framework of the [Responsible Business Conduct in Latin America and the Caribbean \(CERALC\) project](#), funded by the European Union (EU) and implemented together with the OECD and ILO.

PROGRAMME

The VIII Regional Forum will take place physically in Santiago de Chile and will be broadcast live on virtual platforms.

The first day, 10 October, will be devoted to preparatory events and peer-to-peer meetings, organised directly by external organisations. This format, used in previous years, has made it possible to generate spaces for discussion in trust between indigenous peoples, women, companies, governments, national human rights institutions, civil society organisations, bar associations and judges, academia, workers' organisations, multi-actor initiatives, among others, promoting the strengthening of networks in the region. The conclusions of these spaces will be presented during the Forum. Please inform the Secretariat of the Regional Forum about the preparatory events that your organisations will carry out in the context of the Regional Forum by writing to ohchr-rbclac@un.org with the subject of the email "PREPARATORY EVENTS".

Plenary sessions and multi-stakeholder discussion spaces will be held on 11 and 12 October to generate genuine exchanges and foster the sharing of experiences, challenges and innovative ideas.

The focus of this Forum is to connect the business and human rights and environment agenda. Among the topics to be addressed are the relationship between the Escazú Agreement and the Guiding Principles, the development of international instruments from a Latin American perspective, just transition and human rights, the role of the State in regulation, public policy making, oversight and protection of human rights defenders, the relationship between due diligence and access rights in environmental matters in strategic industries (agribusiness, extractive industries and finance), as well as different perspectives on access to redress in judicial and administrative matters and through operational mechanisms of companies.

NEW FORMAT

Taking into account the comments and suggestions of various stakeholders who actively participated in previous Forums, this year the Regional Forum will have a new format that seeks to encourage greater participation on the part of the people attending the event. For this reason, the Forum will maintain some traditional multi-stakeholder sessions, as in previous years, and other sessions in which different methodologies will be used to encourage public participation.

Thus, the VIII Regional Forum is composed of the following types of sessions:

- **Plenary sessions:** our traditional multi-stakeholder discussion spaces where guests comment on standards, advances, challenges, life experiences and examples. These sessions will be similar to previous years' panels and most of the time will be devoted to the panelists' presentations.

- **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 to guide and frame the tone of the conversation, so that most of the time will be devoted to listening to proposals, ideas and comments from the audience. The results of these discussions will be presented later in the plenary session that closes each day.

PUBLIC CALL FOR PANELISTS, MODERATORS AND CONTRIBUTION TO THE SESSIONS.

In order to maintain the participatory nature of the organization of the event, a public call for proposals will be launched for potential panelists or moderators who may present in the plenary sessions, briefly present in the multi-stakeholder dialogue sessions and/or moderate the conversations. The call also includes a space to contribute ideas to the Forum sessions

GENERAL OBJECTIVE OF THE VIII REGIONAL FORUM

Discuss opportunities, challenges and practices to prevent, mitigate and address adverse human rights impacts related to business activity, in particular in relation to environmental impacts.

SPECIFIC OBJECTIVES OF THE VIII REGIONAL FORUM

- Promote greater synergy between key actors in the business and human rights and environmental protection agendas in order to make visible the interconnectedness of these agendas and strengthen joint and complementary actions for responsible business conduct (REC) in the region.
- Encourage exchange and feedback on the progress and challenges of policies, legislation and other actions developed by governments to promote REC, particularly those focused on ensuring the protection of human rights and the environment.
- Reflect on how access rights (information, participation and redress) can strengthen due diligence on human rights and RECs, including the environment, particularly in the agribusiness, mining and finance sectors.
- Address the special needs and challenges of specific groups for the protection of their human rights in the context of business activities and potential impacts on the environment, such as women, LGBTIQ+ persons, human rights defenders, persons with disabilities, children, affected communities, including Indigenous Peoples and Afro-descendants, and working people.
- Strengthen the capacity of stakeholders in relation to the business and human rights agenda and REC to participate meaningfully and equitably in the development and implementation of relevant initiatives, including the Forum.
- Discuss how to strengthen the just energy transition agenda, balancing the importance it presents for the environment and the protection of human rights; an agenda in which Latin America plays a central role related to the minerals needed to make it a reality.

Cross-cutting issues such as gender equality and the protection of the rights of vulnerable groups (including persons with disabilities, Indigenous Peoples, Afro-descendants, children and adolescents, migrants and LGBTBI+ persons) will be addressed in the different sessions of the VIII Regional Forum.

PARTICIPATION

The Regional Forum on Business and Human Rights is an open space for discussion and exchange between actors interested in advancing the business and human rights agenda in the region. As at the [global level](#), the Regional Forum brings together representatives of state institutions, companies, trade unions, civil society organisations, Indigenous Peoples, women and local communities, think tanks, legal professionals, investors, international and regional organisations, National Contact Points for Responsible Business Conduct¹, National Human Rights Institutions, academia, media, as well as other actors interested in advancing the business and human rights agenda.

ON THE REGIONAL BUSINESS AND HUMAN RIGHTS FORUM

Over the years, the Regional Forum has become a key meeting on business and human rights for governments, business and civil society alike, and one of the most important human rights meetings in the Americas. The Regional Forum has become the main multi-stakeholder platform for the exchange of good practices and peer-to-peer learning on human rights and business activities in the region.

The first edition of the Regional Forum for LAC was held in Medellín, Colombia, in 2013. The next 3 were held in Chile, the *V Regional Forum* was organised in Panama, the *VI Forum* in Mexico and the *VII Regional Forum* in Colombia, led by the Working Group and the Office of the High Commissioner for Human Rights. Since the beginning of the *Responsible Business Conduct in Latin America and the Caribbean (RBCLAC) Project*, the Regional Forum has been organised in collaboration with the International Labour Organisation (ILO) and the Organisation for Economic Co-operation and Development (OECD), and with the support of the European Union.



¹ National Contact Points (NCPs) for Responsible Business Conduct are established by governments that adhere to the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct.



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



In the last three Forums, there has been an average participation of 4000 people in their virtual versions (in 2020 and 2021) and 250 people in their physical version, coming from 30 different countries. The VII Regional Forum in 2022 was attended by around 2000 people, of which 700 participated in person. At the sector level, 30% from the business sector, 30% from civil society - including communities and workers, 20% from the public sector, 10% from academia and 10% from international organisations.

For more information on the previous Regional Forums, as well as the discussions that took place at these events, please visit the [following link](#).

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