

Civil Society Statement – UK Engagement on a UN Binding Treaty on Business and Human Rights

Ten years on from the introduction of the UN Guiding Principles on Business and Human Rights (UNGPs), voluntary initiatives have failed to have a meaningful impact on tackling abuse in business operations and supply chains. This includes modern slavery, unsafe working conditions, attacks on human rights defenders including trade unions, pollution of land and water, and other abuses which disproportionately impact women and other marginalised genders – particularly those with multiple and intersecting identities who experience many forms of abuse and discrimination – as well as poor and marginalised communities globally. Because of the nature of global business – including their size, power and operations which cross multiple jurisdictions – tackling this problem requires national and international action.

A UN Binding Treaty on Business and Human Rights, under negotiation at the Human Rights Council (UNHRC) since 2014, would not only prevent future human rights violations and environmental destruction and improve access to justice for people affected, but would also level the playing field and provide legal certainty for companies.

The [2023 updated draft](#) includes provisions for “*human rights due diligence*” and access to remedy, and recognises “*the contribution and complementary role*” of the UNGPs. However, there are also concerns about updates in the draft treaty – including that they do not incorporate many significant comments from Global South countries. In producing a clean version of the text for the States to negotiate on, the Chairperson of the process discounted comments made by States in the seventh and eighth sessions. In addition, the provisions on legal liability and extraterritorial obligations are much weaker.

Notably, in 2023 G7 leaders [committed to](#) “promote decent work and protect rights-holders in global supply chains through a smart mix of mandatory and voluntary measures, including through legislation,” and to “engage constructively in discussions at the UN and the ILO in close consultation with all relevant stakeholders to explore ideas and options for a consensus-based legally binding instrument”. Other States, including G7 countries, are not only showing support for this vital agenda but are also preparing or tabling [complementary new laws](#) which go far beyond the UK’s existing supply chain legislation – Section 54 of the Modern Slavery Act 2015 and Schedule 17 of the Environment Act 2021.

At the 2022 UN Treaty negotiations, the UK stated that it would not be supporting the draft text and then did not engage in further negotiations. As UK civil society organisations, we call on the Government to constructively negotiate for a strong Treaty that would ensure access to justice for those affected by corporate abuse and to introduce [complementary UK legislation](#) to hold companies to account when they fail to prevent human rights abuses and environmental harms in their global value chains.

We call on the UK Government to:

- 1. Attend and constructively engage in the negotiations in Geneva, 23-27 October 2023.**
- 2. Engage with civil society organisations, affected communities and rights-holders who will be impacted by a UN Binding Treaty on Business and Human Rights, ahead of, during and following the negotiations.**
- 3. Support the process and strengthen the text through positive and constructive statements to reaffirm the primacy of human rights.**
- 4. Listen to all States and actively avoid reproducing existing power imbalances and hierarchies between the Global North and Global South.**