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COMMISSION ON HUMAN RIGHTS
Sixty-first session
Agenda item 17

PROMOTION AND PROTECTION OF HUMAN RIGHTS

**Argentina, Austria*, Belgium*, Canada, Chile*, Croatia*, Cyprus*,
Czech Republic*, Denmark*, Estonia*, Ethiopia, Finland, France,
Germany, Greece*, Guatemala, Hungary, India, Ireland, Italy, Latvia*,
Lithuania*, Luxembourg*, Malta*, Mexico, Netherlands, Nigeria,
Norway*, Poland*, Portugal*, Romania, Russian Federation, Slovakia*,
Slovenia*, Spain*, Sweden*, Switzerland* and United Kingdom of
Great Britain and Northern Ireland: draft resolution**

**2005/... Human rights and transnational corporations and
other business enterprises**

The Commission on Human Rights,

Recalling its decision 2004/116 of 20 April 2004 on the responsibilities of transnational corporations and related business enterprises with regard to human rights,

Welcoming the report of the United Nations High Commissioner for Human Rights on the responsibilities of transnational corporations and related business enterprises with regard to human rights (E/CN.4/2005/91),

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recognizing that transnational corporations and other business enterprises can contribute to the enjoyment of human rights, inter alia through investment, employment creation and the stimulation of economic growth,

Recognizing also that the responsible operation of transnational corporations and other business enterprises and effective national legislation can contribute to the promotion of respect for human rights and assist in channelling the benefits of business towards this goal,

1. *Requests* the Secretary-General to appoint a special representative on the issue of human rights and transnational corporations and other business enterprises, for an initial period of two years, who shall submit an interim report to the Commission on Human Rights at its sixty-second session and a final report at its sixty-third session, with views and recommendations for the consideration of the Commission, with the following mandate:

(a) To identify and clarify standards of corporate responsibility and accountability for transnational corporations and other business enterprises with regard to human rights;

(b) To elaborate on the role of States in effectively regulating and adjudicating the role of transnational corporations and other business enterprises with regard to human rights, including through international cooperation;

(c) To research and clarify the implications for transnational corporations and other business enterprises of concepts such as “complicity” and “sphere of influence”;

(d) To develop materials and methodologies for undertaking human rights impact assessments of the activities of transnational corporations and other business enterprises;

(e) To compile a compendium of best practices of States and transnational corporations and other business enterprises;

2. *Underlines* that the Special Representative of the Secretary-General should take into account in his or her work the report of the United Nations High Commissioner for Human Rights and the contributions to that report provided by all stakeholders, as well as existing initiatives, standards and good practices;

3. *Requests* the Special Representative, in carrying out the above mandate, to liaise closely with the Special Adviser to the Secretary-General for the Global Compact and to consult on an ongoing basis with all stakeholders, including States, the Global Compact, international and regional organizations such as the International Labour Organization, the United Nations Conference on Trade and Development, the United Nations Environment Programme and the Organization for Economic Co-operation and Development, transnational corporations and other business enterprises, and civil society, including employers' organizations, workers' organisations, indigenous and other affected communities and non-governmental organizations;

4. *Requests* the Office of the High Commissioner for Human Rights to provide all necessary administrative support and financial and human resources to the Special Representative in carrying out this mandate;

5. *Requests* the High Commissioner to convene annually, in cooperation with the Special Representative, a meeting with senior executives from companies and experts from a particular sector, such as the pharmaceutical, extractive or chemical industries, to consider, within the mandate of the Special Representative as set out in paragraph 1 above, the specific human rights issues faced by those sectors, to raise awareness and share best practice, and to report on the outcome of the first meeting to the Commission at its sixty-second session, under the same agenda item;

6. *Decides to* continue its consideration of this question at its sixty-second session;

7. *Recommends* the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2005/... of ... April 2005,

“Approves the request of the Commission to the Secretary-General to appoint a special representative on the issue of human rights and transnational corporations and other business enterprises, for an initial period of two years, to undertake the activities set out in that resolution.”
