



Statement by His Excellency Archbishop Ivan Jurkovič  
Permanent Observer of the Holy See to the UN and Other International Organizations in Geneva  
at the 32nd Session of the Human Rights Council  
General Debate – Item 5  
23<sup>rd</sup> June 2016

Mr. President,

The process of globalization and various global developments over the past decades have seen many non-state actors, such as transnational corporations and other businesses, play an increasingly important role at the international, national and local levels. The growing reach and impact of business enterprises have given rise to a debate about their role and responsibilities in relations to human rights. During recent annual forums on Business and Human Rights, we have seen how corporations are capable of influencing many aspects of human life and conditioning the exercise of a broad range of human rights. International law has not been sufficiently responsive in articulating the human rights obligations of corporations nor in providing mechanisms for regulating corporate conduct in the field of human rights.

However, we share the perspective of those who consider the latest developments in the Human Rights Council as a clear signal that the international community is engaged in defining these obligations and mechanisms. Thus, a practical step has been taken with the publication of *Guiding Principles on business and human rights: “Protect, Respect and Remedy”*. These Principles have been widely endorsed and represent a strong political commitment. Targeted efforts, however, are still indispensable.

In response to this challenge, it is important to recognise that there are good reasons why international law might devote specific attention to transnational corporations. From the Forum on Business and Human Rights it has become more evident that transnational corporations are often involved in arbitrations against particular governments with whom bilateral or multi-lateral investment treaties have been signed. Quite often these agreements fail to take account of fundamental rights and in such a scenario big international corporations can easily abuse the weaknesses of the current international legal system to avoid accountability for violations of fundamental rights in weak governance zones. The international legal system should bear the responsibility of ensuring effective regulation in this field.

The starting point for any discussion regarding such treaties must be a concern for the protection of fundamental rights which ‘derive from the inherent dignity of the human person’<sup>1</sup>. The fact that individuals have an intrinsic worth leads to the requirement that they

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<sup>1</sup> Preamble to the International Covenant on Civil and Political Rights (1966) 999 UNTS 171 and 1057 UNTS 407 available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; Preamble to the

be afforded protection for their fundamental freedoms, for their well-being, and that they be assured participation in the political process. Even if fundamental rights discourse has traditionally been focused on governments, this does not mean that governments are the only agents who can fail to respect adequately human rights.

The Holy See is aware that there are no easy solutions to address the multifaceted challenges of business and human rights, or to provide the effective remedy and accountability that victims legitimately seek as a matter of urgency. Addressing those challenges and effectively managing business-related risks to human rights requires sustained attention and a “smart mix” of regulatory and policy approaches and incentives. The constructive and welcome engagement of all stakeholders in international economic and commercial matters will help to achieve integral human development and solidarity which is grounded in a vision of the future that guarantees an equitable distribution of resources and is responsive to the interdependence of people.<sup>2</sup>

In conclusion, Mr. President, it is always necessary to place the human person, with his or her dignity, at the centre, countering the dynamics that tend to relativize what is important and place money at the apex. When money becomes the end as well as the motive of every activity and of every venture, then the utilitarian perspective and brute logic – which do not respect people – prevail. This results in the widespread collapse of the values of solidarity and respect. As Pope Francis reminds us: “In the present condition of global society, where injustices abound and growing numbers of people are deprived of basic human rights and considered expendable, the principle of the common good immediately becomes, logically and inevitably, a summons to solidarity and a preferential option for the poorest of our brothers and sisters.”<sup>3</sup> Those working in various capacities in the economy and in finance are called to make choices that promote the social and economic wellbeing of the whole of humanity, offering everyone the opportunity to pursue his or her own development.<sup>4</sup>

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International Covenant on Economic, Social and Cultural Rights (1966) 993 UNTS 3 available at <http://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

<sup>2</sup> Cf. Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*, n. 373. Rome, 2004.

<sup>3</sup> Pope Francis, *Laudato Si'*, n. 158.

<sup>4</sup> Pope Francis, Address to Participants in the World Congress of Accountants. Rome, 14 November 2014.