



## ETO CONSORTIUM NEWSLETTER July 2016

ETOs have received considerable attention in recent months. They have been taken up by UN and regional human rights bodies in State reviews, general comments, and reports. Moreover, they continue to play a central role in the UN Human Rights Council process towards an international treaty to regulate transnational corporations and other business enterprises vis-à-vis human rights.

In March, the Committee on Economic Social and Cultural Rights (CESCR) released [General Comment No. 22 on the right to sexual and reproductive health](#) and [General Comment No. 23 on the right to just and favourable conditions of work](#). The same month saw the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) issue [General Recommendation No. 34 on the rights of rural women](#). The authoritative interpretations of covenant rights all reaffirm and contain specific guidance to States with regard to the discharge of their ETOs. They address a wide range of situations in which States have ETOs, including: the regulation of transnational corporations, the design and implementation of macro-economic policies and international agreements, and development cooperation and humanitarian aid. Moreover, they remind States of their obligations as members of intergovernmental organisations and in the context of addressing transboundary threats such as climate change.

The CESCR Concluding Observations on the periodic reports of [Canada](#), [France](#), [Sweden](#) and the [UK](#) as well as the CEDAW Committee's Concluding Observations on the periodic report of [Sweden](#) and its [List of Issues for the upcoming review of Switzerland](#) equally made reference to States' ETOs in areas such as trade and investment agreements, tax policies, regulation of transnational corporations and international development cooperation.

During the presentation of the [report](#) from the first session of the Open-Ended Intergovernmental Working Group on Transnational Corporations and other Business Enterprises with Respect to Human Rights during the 31<sup>st</sup> session of the UN Human Rights Council, ETOs were considered to be an important issue of discussion for the working group's second session in October 2016.

In a [report](#) published early 2016, entitled "Indigenous Peoples, Afro-Descendent Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities", the Inter-American Commission on Human Rights (IACHR) for the first time examined the extraterritorial application of human rights in the context of extractive and development projects. The report highlights the obligations of both host States (where the project takes place) as well as home States (where the business has its headquarters), emphasising that economic development of countries in the Americas should not be attained at the expense of the fundamental human rights of indigenous peoples and Afro-descendent communities.

Finally, the Secretariat of the ETO Consortium published "[12 policies how States can make good use of ETOs in human rights](#)", the third in a series of basic booklets, which recalls the centrality of human rights in the original political paradigm of the UN and illustrates how States can draw on ETOs in various international policy fields.

**The respective news items can be found on our website under the following links:**

- [CESCR makes recommendations to France, Sweden and the United Kingdom regarding their ETOs](#) (1 July)
- [Committee on the Elimination of Discrimination against Women \(CEDAW\) to ask Switzerland on its financial secrecy policy and impact on women's rights in third countries](#) (23 May)
- [How can States make good use of extraterritorial human rights obligations?](#) (18 April)
- [IACHR discusses ETOs in its report on the Human Rights Protection of Indigenous Peoples and Afro-Descendent Communities in the Context of Extraction, Exploitation, and Development Activities](#) (13 April)
- [UN Treaty Bodies elaborate on States' ETOs under ICESCR and CEDAW](#) (15 March)
- [HRC discusses report of the OEWG on TNCs and human rights](#) (11 March)

**Recent reports, articles, and studies that have been added to our library:**

- [Land grabbing and human rights: The involvement of European corporate and financial entities in land grabbing outside the European Union](#) *M. Borras Jr. et al.*
- [Establishing Conformity Between TRIPS and Human Rights: Hierarchy in International Law, Human Rights Obligations of the WTO and Extraterritorial State Obligations Under the International Covenant on Economic, Social and Cultural Rights](#) *Klaus D. Beiter*
- [Economic Policy Conditionality, Socio-Economic Rights and International Legal Responsibility: The Case of Greece 2010-2015](#) *Olivier De Schutter and Margot E. Salomon*
- [Sustainable investment in land in the Global South: What would it require from a coherence perspective? The case of Sierra Leone](#) *Elizabeth Bürgi*
- [12 policies how States can make good use of ETOs in human rights / Doce políticas para un buen uso de las obligaciones extraterritoriales por parte de los estados](#) *Rolf Künneemann*
- [Indigenous Peoples, Afro-Descendent Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities](#) *Inter-American Commission on Human Rights*