

ITUC Note on “Getting down to business” Report

The UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association announced that his next report “Getting down to business” which will be presented to the UN General Assembly in October 2015 will “explore the disparate treatment by governments’ and the international community of businesses and civil society organisations.”

The ITUC believes that it is important to look at the way in which civil society organisations face barriers in registration, raising funds, conducting activities and in obtaining access to policy-makers. However, the consultation process in preparation of the report raises a number of serious concerns.

The concept note appears to promote better enabling environments for corporations, suggesting that they are bearers of the human rights of assembly and association protected by UN instruments. We are troubled by the suggestion that there might be equivalence between corporations and civil society organisations – the only difference being the profit motive. At a time when corporations are undermining democratic practices by using their concentrated wealth to buy influence and access in political processes or drown out the voices of citizens and their organisations, it is troubling to see the UN Special Rapporteur concern himself as to whether corporations enjoy sufficiently beneficial environments in which to conduct their activities.

The [questionnaire for business](http://freeassembly.net/rapdiscussions/comparing-business-civil-society/) <http://freeassembly.net/rapdiscussions/comparing-business-civil-society/> suggests that regulations in a number of areas could pose obstacles to the exercise of the rights of corporations to assemble and associate. For many years, the international trade union movement has fought the World Bank over its "Doing Business" Report, which continues to drive a highly deregulatory agenda. Indeed, many social protections were targeted by that report, and countries that did more to, for example dismiss workers, scored higher in the rankings. After many years, the World Bank removed the employment indicator though it continues to find its way into other policy documents. It is extremely troubling that the UN Special Rapporteur has now invited the World Bank to engage in the consultation process raising concerns that the deregulatory agenda of "Doing Business" could be supported under the guise of facilitating freedom of assembly and association.

Among others, the questionnaire aims to gather information from businesses about tax incentives, investment incentives, ease of financial movements, and even free trade zones. We fail to understand how these issues are at all relevant to the mandate of the UN Special Rapporteur with the exception of exposing the denial of freedom of association to workers, predominantly women in EPZ's and other nations on the top of the business friendly list of 'Doing Business'.

We are particularly troubled by the final question, which suggests that businesses may not already have sufficient access to decision-makers. In reality, corporations have unequal access and influence - too often at the expense of workers and other citizens. When the assessment of money spent on lobbying and election funding is considered in almost all countries of the world, corporations not only have little problem accessing decision makers but the evidence is that corporate capture is drowning out the voices of people concerning both law and areas of vital public policy.

Finally, it is remarkable that the questionnaire fails to include a question on businesses’ obligations under the UN Guiding Principles on Business and Human Rights when the UN Working Group on Business and

Human Rights is seeking to ensure that corporations respect human rights and that legal mechanisms exist to hold corporations accountable to these rights.

The ITUC supports business registration and associated legal rights and responsibilities. However, we are alarmed that the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association considers this a priority of this important special procedure and mandate.