

## **POLICY STATEMENT OF THE NEW YORK CITY BAR ASSOCIATION'S BUSINESS AND HUMAN RIGHTS WORKING GROUP**

In 2019, the New York City Bar Association (the “City Bar”) established a Working Group on Business and Human Rights (the “Working Group”) to examine the intersection between business practices and human rights and to provide a framework for the City Bar to speak on these issues. After an initial period of review and deliberation, the Working Group recommends and the City Bar adopts the following policy statement.

### Justification:

- Recognizing the growing impact of commercial activities on human rights, environmental sustainability, and the rule of law;
- Taking note of the UN Basic Principles on the Role of Lawyers as referenced by the UN General Assembly in its ‘Human rights in the administration of justice’ resolution of 18 December 1990;
- Taking note of the “*IBA Business and Human Rights Guidance for Bar Associations*” adopted by the IBA Council on 8 October 2015, which calls upon bar associations to “assess the specific needs of their own jurisdictions and to balance those needs with the capacity and available resources” to “promote, launch and develop business and human rights initiatives that are relevant to practitioners in their jurisdictions”;
- Taking note of the growing body of national and international soft law principles regarding corporate responsibility to respect human rights;
- Taking note of international, national, state, and municipal laws regarding the corporate responsibility to respect human rights, particularly with regard to mandating human rights due diligence, transparency in the supply chains of businesses, and protection of vulnerable populations;
- Acknowledging New York City’s role as a hub for global business and the impact that business decisions made in New York have both locally and globally on human rights, especially for vulnerable populations; environmental sustainability; and the rule of law; and
- Guided by the mission of the New York City Bar Association to “equip and mobilize the legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world”;

- The City Bar, by and through the Working Group, and in collaboration with the City Bar’s standing committees, resolves to: Endorse the United Nations *Protect, Respect and Remedy: A Framework for Business and Human Rights* (2008) and the subsequent instrument *Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework* (2011) (the “UN Guiding Principles”);
- Endorse the Chapter on Human Rights provisions (Part I, Subpart IV) of the *OECD Guidelines for Multinational Enterprises* (2011) issued by the Organization for Economic Cooperation and Development (OECD);
- Affirm (1) that the fulfillment by members of the legal profession in New York City, and beyond, of their duties to serve as an advisor to their clients, as set forth in Rule 2.1 of the New York Rules of Professional Conduct, includes consideration of corporate responsibility to respect human rights, environmental sustainability, and the rule of law; and (2) that the UN Guiding Principles do not abridge specific and legally binding professional responsibilities of lawyers, including the duties of independence, confidentiality, and the protection and pursuit of a client’s legitimate interests, within the bounds of the law; and
- Adopt a strategy to identify and to implement tools and guidelines for the legal profession with regard to the growing impact of commercial activities on human rights, environmental sustainability, and the rule of law.

Business and Human Rights Working Group

Viren Mascarenhas, Co-Chair

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