

UN Guiding Principles on Business & Human Rights

Civil Society Workshop

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*The United Nations Guiding Principles on
Business and Human Rights*

UNGPs

How do we solve the business & human rights challenge?

Three Pillars



Respect vs Support

UNGPs

- Business enterprises should **respect** human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved. (*UNGP 11*)

UN Global Compact Principles

- Businesses should **support** and **respect** the protection of internationally proclaimed human rights; [and] ... make sure that they are not complicit in human rights abuses. (*Principles 1 & 2, Human Rights*)

Respecting Human Rights

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(UNGP 11)

UNGPs

The Business Responsibility to Respect Human Rights



The Business Responsibility to Respect Human Rights

Core concepts

- Role of State
 - vs Role of Business
- Do No harm
 - vs Do Good
- Respect
 - Avoid infringing
 - Address impacts
 - Prevent
 - Mitigate
 - Remedy
- Impact
 - Own activities
 - Business Relationships
 - Actual and Potential
 - Severity
- All Human Rights
 - Salient Human Rights
- Affected Stakeholder
- Remediation Processes
 - Grievance Mechanisms

“Know and Show”

All Human Rights

The responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the **International Bill of Human Rights** and the principles concerning fundamental rights set out in the **International Labour Organization's Declaration on Fundamental Principles and Rights at Work**.

(UNGP 12)

All Human Rights

- International Bill of Human Rights
 - The International Covenant on Civil and Political Rights
 - The International Covenant on Economic, Social and Cultural Rights
- ILO Declaration on Fundamental Principles and Rights at Work
 - Freedom of association and collective bargaining
 - Elimination of forced and compulsory labour
 - Elimination of discrimination in employment and occupation
 - Abolition of child labour
 - ILO 8 core conventions
- Vulnerable Groups

UNGPs

How far does the responsibility extend?

The responsibility to respect human rights requires that business enterprises:

- (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur;
- (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.

(UNGP 13)

UNGPs

Cause

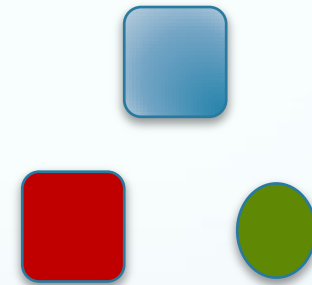
Contribute

Linked to

How can a company be involved?

How should it respond?

- Own Activities
- Business Partners
- Using Leverage



Leverage [...] refers to the ability of a business enterprise to effect change in the wrongful practices of another party that is causing or contributing to an adverse human rights impact.

Office of the High Commissioner for Human Rights: The Corporate Responsibility to Respect Human Rights: An Interpretive Guide to the UNGPs, p 7.

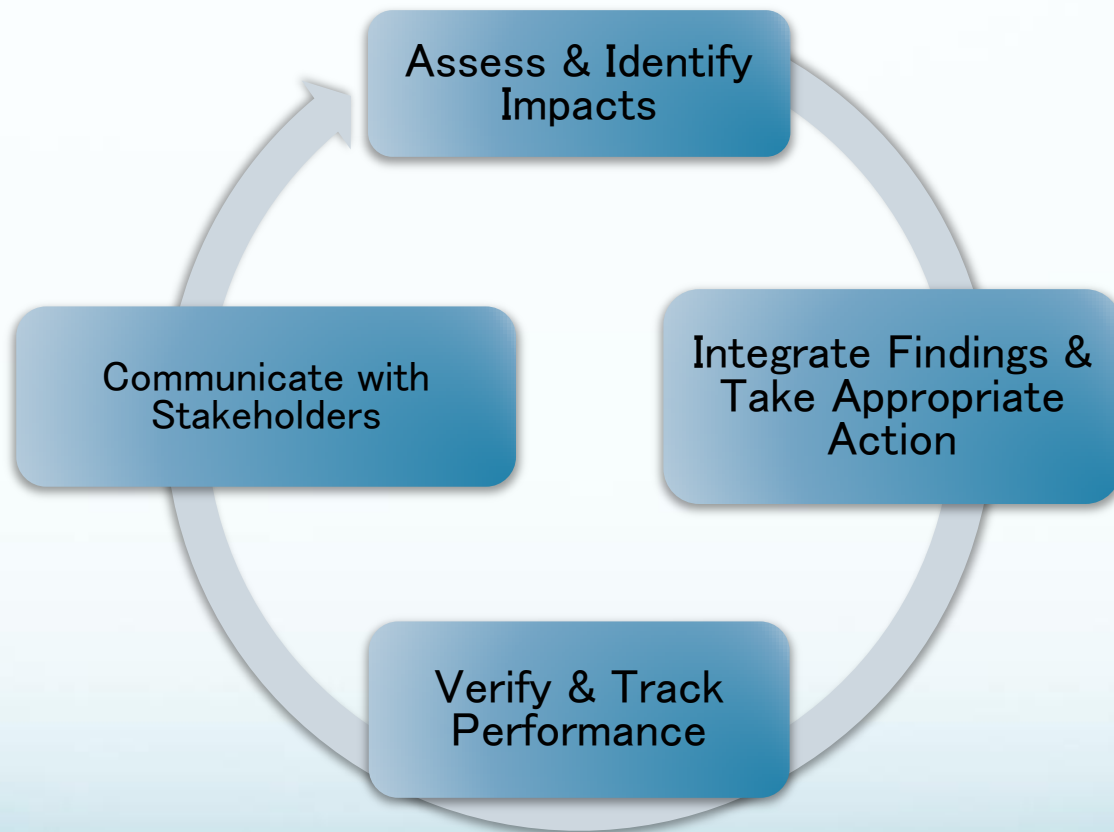
UNGPs – Policy Commitment

As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that:

- (a) Is approved at the most senior level of the business enterprise;
- (b) Is informed by relevant internal and/or external expertise;
- (c) Stipulates the enterprise's human rights expectations of personnel, business partners and other parties directly linked to its operations, products or services;
- (d) Is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties;
- (e) Is reflected in operational policies and procedures necessary to embed it throughout the business enterprise.

(UNGP 16)

UNGPs – Human Rights Due Diligence



UNGPs – Remediation

Where business enterprises identify that they have **caused or contributed** to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes. *(UNGP 22)*

Effectiveness criteria for non-judicial grievance mechanisms

- (a) Legitimate,
- (b) Accessible,
- (c) Predictable,
- (d) Equitable,
- (e) Transparent,
- (f) Rights-compatible,
- (g) A source of continuous learning.

Operational-level mechanisms should also be:

- (h) Based on engagement and dialogue.

(UNGP 31)

UNGPs: An opportunity for Civil Society

UNGPs & CSOs

- Defining CSO
- ‘Holding the Stake’
- Roles, approaches, strategies, issue focus differ
- Information, knowledge, expertise
- Awareness
- Advocacy, lobbying
- ‘Voice & Noise’, ‘Shame & Blame’ → ‘Know and Show’
- Engagement, dialogue

UNGPs & CSOs

- Common language, terms & baseline
- Process
- Entry points
 - Policy
 - Human Rights Due Diligence
 - Remediation processes including grievance mechanisms
- Particular issues
 - Human Rights perspective
 - Impacts
 - Affected stakeholders
 - What does respect for human rights look like
 - Vulnerable groups
 - Access to remedy

UNGPs: Communicating with Stakeholders

In order to **account** for how they address their human rights impacts, business enterprises should be prepared to **communicate this externally**, particularly when concerns are raised by or on behalf of affected stakeholders. Business enterprises whose operations or operating contexts pose risks of severe human rights impacts should report formally on how they address them. In all instances, communications should:

- (a) Be of a form and frequency that reflect an enterprise's human rights impacts and that are accessible to its intended audiences;
- (b) Provide information that is sufficient to evaluate the adequacy of an enterprise's response to the particular human rights impact involved;
- (c) In turn not pose risks to affected stakeholders, personnel or to legitimate requirements of commercial confidentiality.

(UNGP 21)

UNGPs: Vulnerable Groups

These Guiding Principles should be implemented in a non-discriminatory manner, with particular attention to the rights and needs of, as well as the challenges faced by, individuals from groups or populations that may be at heightened risk of becoming vulnerable or marginalized, and with due regard to the different risks that may be faced by women and men.

(UNGP General Principles, para 8)

UNGPs: Vulnerable Groups

Depending on circumstances, business enterprises may need to consider **additional standards**. For instance, enterprises should respect the human rights of individuals belonging to **specific groups or populations that require particular attention**, where they may have adverse human rights impacts on them. In this connection, United Nations instruments have elaborated further on the rights of

- indigenous peoples;
- women;
- national or ethnic, religious and linguistic minorities;
- children;
- persons with disabilities; and
- migrant workers and their families. [...]

(UNGP 12, Commentary para 4)

Severity

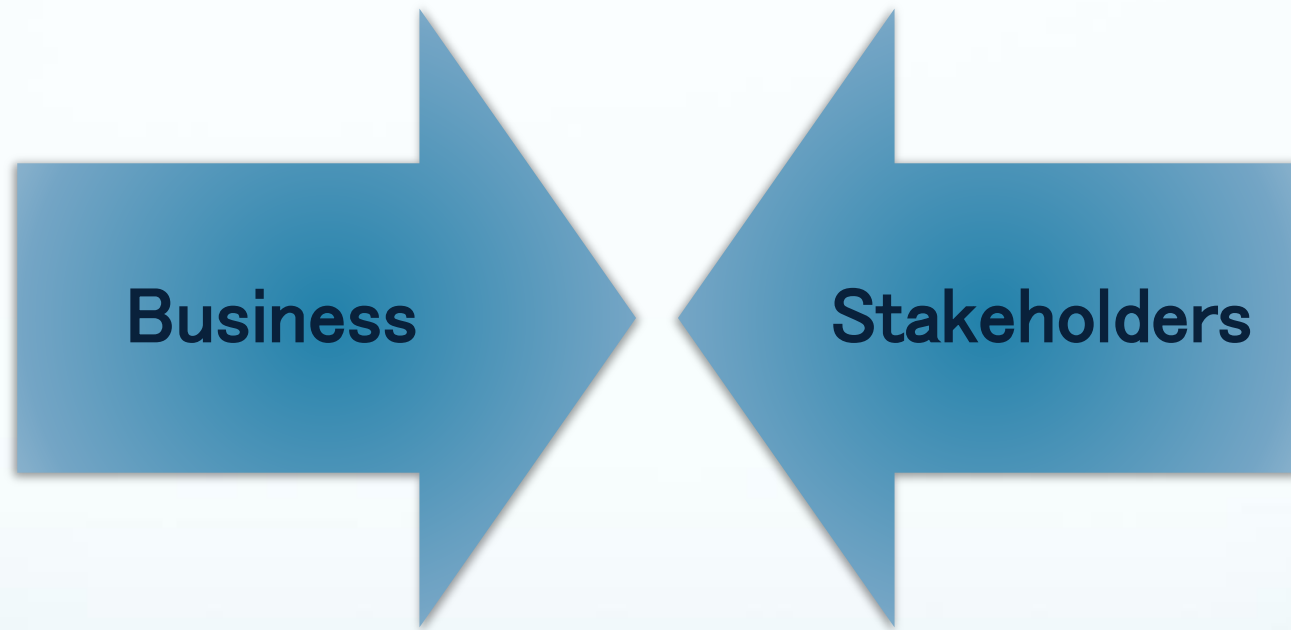
The responsibility of business enterprises to respect human rights applies to all enterprises regardless of their size, sector, operational context, ownership and structure. Nevertheless, the scale and complexity of the means through which enterprises meet that responsibility may vary according to these factors and with **the severity of the enterprise's adverse human rights impacts**. (UNGP 14)

Severity of impacts will be judged by their scale, scope and irremediable character. (UNGP 14, Commentary para 1)

Case example: Using the UNGPs as a tool for change

- ECPAT
 - End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes
 - Advocacy, information, awareness, training
 - 4 business sectors
 - Transportation
 - Travel and Tourism
 - Internet Service Providers
 - Financial Institutions





UNGPs & CSOs

- Purpose and goal?
- Who?
- Entry points?
- Process?
- Substance / Issues?
- Partners?
- Resources?
- Do you understand the business?

Resources

- The United Nations Guiding Principles on Business & Human Rights
- OHCHR: The Corporate Responsibility to Respect Human Rights: An Interpretive Guide [ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf](https://www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf)
- How to do Business with Respect for Human Rights, a guidance tool for companies, Global Compact Network Netherlands www.gcnetherlands.nl/report_business_human_rights.htm
- Shift: www.shiftproject.net
- Business & Human Rights Resource Center business-humanrights.org
- UNGC: Tools & Resources: Human Rights www.unglobalcompact.org/AboutTheGC/tools_resources/humanrights.html
- SOMO (The Centre for Research on Multinational Corporations): How to use the UNGPs on Business & Human Rights in company research and advocacy: http://somo.nl/publications-en/Publication_3899

Thank you.

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