

Business & human rights



How can civil society use the UN Guiding Principles on Business and Human Rights?

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2011: Clarification of responsibilities

- ✓ Guiding Principles on Business and Human rights adopted by UN
- ✓ First time normative document addressing business impacts on human rights adopted at global level
- ✓ Not just another set of standards, but **authoritative reference point endorsed by UN member States**
- ✓ Guidance for both States and business: managing human rights risks
- ✓ Common platform for progress

UN Guiding Principles



State duty to protect

- Prevent, investigate, punish, redress:
 - Policies
 - Regulation
 - Adjudication

Corporate responsibility to respect

- Act with due diligence to avoid harm
- Address impacts

Access to remedy

- Effective access for victims
- Judicial and non-judicial

- ✓ Guiding Principles for implementation UN “Protect, Respect and Remedy” Framework
- ✓ 3 pillars

Converging expectations



EU CSR Policy





Using UN human rights mechanisms

- ✓ WG on business and human rights (country visits; assess “implementation of Guiding Principles”)
- ✓ Other relevant special procedures
 - ✓ IPs, toxic waste, food, housing, water & sanitation, human rights defenders
- ✓ UN Treaty Bodies
 - ✓ CECSR, CERD, CRC observations on State duty regarding business, including extraterritorial application
 - ✓ Individual complaints: optional protocol CESCR?
- ✓ Universal Periodic Review

Working Group on B&HR



- ✓ Human Rights Council resolution 17/4
- ✓ Working Group on the issue of human rights and TNCs and other businesses
- ✓ Mandate
 - ✓ Promote dissemination and implementation of GPs
 - ✓ Promote good practices and lessons learned on implementation, assess and make recommendations, as well as seek and receive information in that context
 - ✓ Support efforts to promote capacity-building and use of the GPs, provide advice and recommendations on legislation and policies upon request
 - ✓ Conduct country visits
 - ✓ Explore options for enhancing access to effective remedies
 - ✓ Integrate gender perspective and attention to vulnerable persons, including children

- ✓ Annual Forum
 - ✓ Multi-stakeholder
 - ✓ Discuss trends and challenges in implementation
 - ✓ Promote dialogue

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Recourse mechanisms

Mediation-based

- ✓ OECD National Contact Points (recommendations and mediation)
- ✓ Canada extractive industries ombudsman (dialogue)

Finance institutions

- ✓ IFC: Compliance Advisor Ombudsman (mediation and review)
- ✓ Asian Development Bank (consultation and compliance review)
- ✓ Export Credit Agencies (dialogue)
- ✓ Norwegian Government Pension Fund (divestment)

Voluntary initiatives

- ✓ UN Global Compact Integrity Measures (company response, dialogue)
- ✓ Voluntary Principles on Security and human rights (members only)
- ✓ FLA, SAI, ETI (supply chain, member companies)

Also consider

- ✓ Business and Human Rights Resource Center

Discussion/brainstorming on action



- ✓ **What do the Guiding Principles mean for NGOs in terms of concrete action**
- ✓ **What should be the strategy for NGOs taking this forward?**