



Business and Human Rights

Protect, Respect and Remedy

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UN process 2005-2011



*John Ruggie
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Sec-Gen (SRSG)*



- Human Rights Council mandate
 - *Identify and clarify standards of Corporate Responsibility*
 - *Clarify role of States*
- Evidence-based: voluminous research, 47 multi-stakeholder consultations

What to Do – 3 Pillar Framework



State Duty to **Protect**

- Policies
- Regulation
- Adjudication

Corporate Responsibility to **Respect**

- Act with due diligence to avoid infringement
- Address adverse impacts on human rights

Access to **Remedy**

- Effective access for victims
- Judicial and non-judicial

How to Do – Guiding Principles



- Unanimously endorsed by the UN HRC (HRC resolution 17/4)
– strong government foundation
- Global reference point: provide overarching standard and benchmarks for action and accountability
- Structured on the three pillars
- 31 Principles – 14 to business – to implement the Framework

Features of the GPs



- All States.
- All companies, of all sizes, in every sector, in any country.
- Distinct, but complementary responsibility between States and companies
- All internationally recognized human rights.
- No new legal obligations – but elaborate on implications of existing obligations and practices for States and business.
- Human rights cannot be offset: doing good in one aspect cannot compensate human rights harms elsewhere.
- Contains “smart mix” of regulatory and voluntary approaches
- Do not preclude international or national legal developments

State Duty to Protect



Must protect against business-related abuse within territory/jurisdiction

Prevent, mitigate and address through policies, legislation, regulation and adjudication

Set out expectation that business domiciled in territory/jurisdiction respect human rights

Extraterritorial jurisdiction over companies not a general requirement in IHRL, but reference is made of international and national practice on ETJ

Corporate Responsibility to Respect



Respect: Do no harm and address impacts

Scope: all rights

Avoid causing/contributing + prevent/mitigate negative impacts by business relationships

Apply to all companies

Implications: Policies and processes

Access to Remedy



- 1st and 2nd pillars only meaningful if access to remedy
- Essential part of State duty: ensure access
 - *Both judicial and non-judicial*
 - *Reduce barriers against access to justice*
- Effective judicial remedies at the core of access to remedy
- Critical part of business responsibility: provide for remedy if caused/contributed to impacts

State-based grievance mechanisms the foundation: courts (criminal or civil action), labour tribunals, NHRIs, National Contact Points (OECD), ombudsperson and complaints offices

Criteria for Effective Mechanisms



Legitimate?

Accessible?

Predictable?

Fair?

Transparent?

Rights-compatible?

Dialogue and engagement?

Remedy: critical part of
business responsibility, due
diligence and risk management

SRSR pilot projects:

- Cerrejón (Colombia, mining)
- Sakhalin (Russia, O&G)
- Tesco (SA, food supply chain)
- Esquel (Vietnam, garment)
- HP (China, electronics supply chain)

Alignment of Standards



UN Framework & GPs



EU CSR Policy



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

- Michael Addo (Ghana)
- Alexandra Guaqueta (Colombia/USA)
- Margaret Jungk (USA)
- Puvan Selvanathan (Malaysia)
- Pavel Sulyandziga (Russia)



B&HR Forum 2012



- Theme: “UN GPs on B&HR: Mapping the Road Ahead”
 - *Taking Stock*
 - *Challenges in Implementation*
 - *The Way Forward: Opportunities & Priorities*
- Resolution 17/4
 - Discuss **trends and challenges** in implementation of UNGPs.
 - Promote **dialogue and cooperation** on business and human rights.
- Under guidance of the Working Group.
- Open to all relevant stakeholder groups: Including States, business, civil society, affected individuals and groups and other relevant stakeholders.

Register Now!



- 4-5 December 2012, Geneva.
- Registration is open.
- Registration deadline: 1 November.
- Provisional program available on OHCHR website

www.ohchr.org/EN/Issues/Business/Pages/ForumonBusinessandHR2012.aspx