

# BUSINESS AND HUMAN RIGHTS

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# **PROTECT, RESPECT, REMEDY**

THE THREE PILLARS OF THE UN GUIDING PRINCIPLES

# PROTECT, RESPECT & REMEDY FRAMEWORK



## STATE DUTY TO PROTECT

The Guiding Principles affirm that the State duty to protect individuals from human rights abuses committed by companies requires the State to take appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.

This duty derives both from existing human rights duties that States have taken on by ratifying one or more international human rights treaties and from strong policy rationales.



## BUSINESS RESPONSIBILITY TO RESPECT

The Guiding Principles clarify that the standard of responsibility for business with regard to human rights is to respect human rights, and they elaborate on the steps that companies must take to “know and show” that they do so. This responsibility means companies must know their impact, avoid human rights infringements and address any potential or actual impact. If companies find that they have caused or contributed to harm, they must provide for or participate in effective remedy processes.

The Guiding Principles clarify that the corporate responsibility to respect human rights is independent of States’ ability or willingness to fulfil their duty to protect human rights.



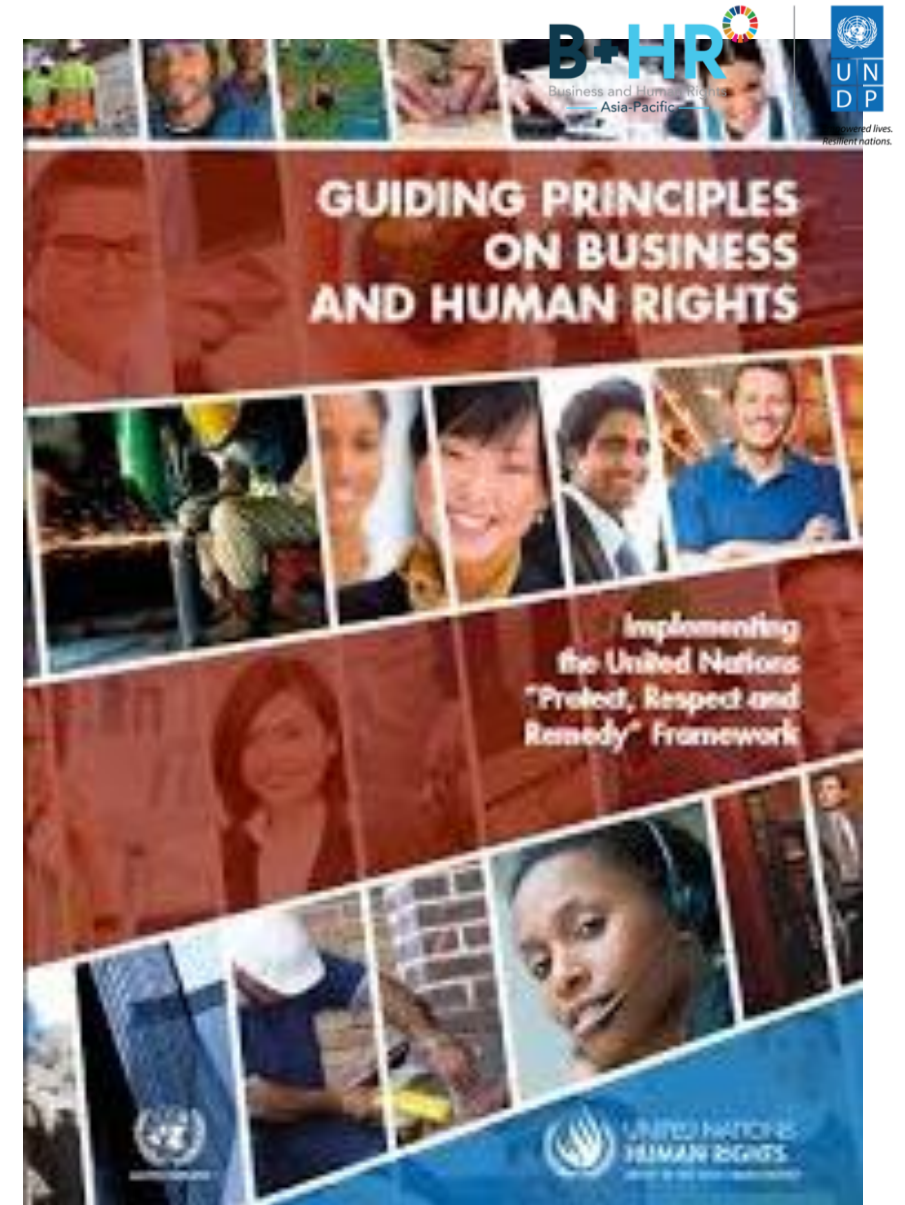
## ACCESS TO REMEDY FOR VICTIMS

As part of their duty to protect against business-related human rights abuse, States must take appropriate steps to ensure that those affected can access an effective remedy through the court system or other appropriate non-judicial or administrative means.

In addition to providing for remediation through legitimate processes if they find that they have caused or contributed to harm, companies are expected to establish or participate in effective operational-level grievance mechanisms for individuals and communities that may be adversely affected.

# What are the Guiding Principles

- The UN Guiding Principles on Business and Human Rights: Implementing the “Protect, Respect and Remedy” Framework are a **set of 31 principles** directed **at States and companies** that clarify their duties and responsibilities to protect and respect human rights in the context of business activities and to ensure **access to an effective remedy** for individuals and groups affected by such activities.
- The UNGPs apply to **all businesses** and covers **all human rights**.
- The Guiding Principles were developed by **John Ruggie**, professor at Harvard University and the **United Nations Secretary-General’s Special Representative on the issue of human rights and transnational corporations and other business enterprises** from 2005 to 2011.



# What are the Guiding Principles

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- The Guiding Principles provide a **blueprint for action**, defining parameters within which States and companies should develop policies, rules and processes based on their respective roles and particular circumstances.
- They provide **clarity to States on the implications of their existing duty to protect human rights** against adverse impact caused by companies, including as it relates to ensuring that those affected by business activities have access to an effective remedy.
- They also **provide practical guidance to companies** about what steps they should take to ensure that they respect internationally recognized human rights and address any impact.
- By establishing a global framework, they create a **common platform for action and accountability** against which the conduct of both States and companies can be assessed. The Guiding Principles constitute a global standard that is also increasing.
- The Guiding Principles **reflect the differentiated, but complementary roles of States and companies with regard to human rights**. They clarify that ensuring corporate respect for human rights requires not only that companies themselves take action, but also that States provide an appropriate policy and regulatory environment to foster business respect for human rights and accountability for adverse impact.

# CORPORATE RESPONSIBILITY TO RESPECT

- **Principle 11:** 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.
- **Principle 13:** 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.

# Corporate responsibility to respect human rights

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- Corporate response to adverse human rights impact varies as per the nature of their involvement with such harm:

Caused

- Cease the action
- Provide for/cooperate in remediation

Contributed to

- Cease the action and use leverage
- Provide for/cooperate in remediation

Directly linked to

- Use/build leverage to mitigate the risk

# Corporate responsibility to respect human rights

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- Businesses are expected to adopt the following policies and processes to discharge their responsibility to respect human rights:
- Principle 15(a)→16: Declare a *policy commitment* to respect human rights
- Principle 15 (b) →17-21: Conduct *human rights due diligence*
- Principle 15 (c) →22 : Put in place processes to enable *remediation* of any adverse human rights impacts