

A Review of the United Nations Guiding Principles on Business and Human Rights and the “Protect, Respect and Remedy” Framework

Background

For over 70 years, the United Nations has been working to protect human rights. In an increasingly globalized world and with the growing influence of businesses, human rights abuses continue to be a significant issue. Thus, the United Nations have established approaches to prevent and address the human rights impacts of businesses.

- **2008:** The UN endorses *The ‘Protect, Respect and Remedy’ Framework for business and human rights (PPRF)* (which was developed by *Prof. John Ruggie* – then Special Representative of the UN Secretary General).
- **2011:** The *UN Human Rights Council* unanimously endorses the *UN Guiding Principles on Business and Human Rights (UNGPs)*: a set of guidelines that operationalize the above framework and further define the key duties and responsibilities of states and corporations with regard to business-related human rights abuses.
- **2011:** The UN Human Rights appoints the *UN Working Group on Business and Human Rights* to lead dissemination and implementation of UNGPs.

What do the Framework and Guiding Principles stand for?

Essentially, the UN Guiding Principles on Business and Human Rights are a practitioner’s guideline (for governments and businesses) on how to meet the requirements to “comply” with the *‘Protect, Respect and Remedy’ Framework*.

	The State Duty to PROTECT	The Corporate Responsibility to RESPECT	States and Businesses to provide access to REMEDY
<i>‘Protect, Respect and Remedy’ Framework</i>	<ul style="list-style-type: none"> • Recognizes that States have the <i>duty</i> under international human rights law to <i>protect</i> everyone within their territory and/or jurisdiction from human rights abuses committed by business enterprises. 	<ul style="list-style-type: none"> • Addresses the responsibility of businesses to respect human rights wherever they operate and whatever their size or industry. 	<ul style="list-style-type: none"> • Recognizes the fundamental right of individuals and communities to access effective remedy when their rights have been adversely impacted by business activities.
<i>UN Guiding Principles on Business and Human Rights</i>	<ul style="list-style-type: none"> • Affirm that under existing international human rights law, States have the duty to protect against human rights abuses by all actors in society, including businesses → States must prevent, investigate, punish and redress human rights abuses that take place in domestic business operations. • Recommend that States set clear expectations that companies domiciled in their territory/jurisdiction respect human rights in every country and context in which they operate. • Include operational provisions that recommend concrete actions for States to meet their duty to protect human rights in the context of business operations (includes enacting and enforcing laws that require businesses to respect human 	<ul style="list-style-type: none"> • Clarify what is expected of business enterprises with regard to human rights. • Affirm that business enterprises must prevent, mitigate and, where appropriate, remedy human rights abuses that they cause or contribute to. • Outline the process through which companies can identify their negative human rights impacts and demonstrate that their policies and procedures are adequate to address them. • Identify three components of businesses’ responsibility: <ul style="list-style-type: none"> ○ Companies must institute a policy commitment to meet the responsibility to respect human rights ○ Companies must undertake ongoing human rights due diligence to identify, prevent, mitigate, and account for their human rights impacts 	<ul style="list-style-type: none"> • Affirm that the State duty to protect rights includes ensuring that when human rights are violated by companies within their territory and/or jurisdiction, the State must ensure access to an effective remedy for those affected. • States should also provide effective and appropriate non-judicial grievance mechanisms. • Stipulate that business enterprises should provide for, or participate in, effective mechanisms for fielding and addressing grievances from individuals and communities who may be adversely impacted by the company’s operations. • Set out a list of effectiveness criteria for state- or company-based non-judicial grievance mechanisms.

	rights; creating a regulatory environment that facilitates business respect for human rights; and providing guidance to companies on their responsibilities).	<ul style="list-style-type: none"> ○ Companies must have processes in place to enable remediation for any adverse human rights impacts they cause or contribute to. 	
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Information collated from the [UNGPs](#) and [OHCHR.org](#).

Achievements since 2011

In their efforts to address human rights impacts arising in a business context, the UNGPs [have become](#) a common reference point. The application of the UNGPs by governments, businesses, investors and public sector organizations [shows](#) that many actors are pushing for positive change on human rights practices.

Intergovernmental Organizations:

Key parts of the *PPRF* [have been integrated](#) into other policies for responsible business, such as:

- [The OECD Guidelines for Multinational Enterprises](#) and the
- [The Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy](#) (MNE Declaration) by the ILO.

The UNGPs have also been a reference for commitments made by G20, G7 and the European Union.

Government regulation and policy frameworks

The UNGPs have been reflected in government regulation and policy frameworks, such as national action plans on human rights and emerging legislation introducing corporate human rights due diligence requirements. Examples include:

- Thailand: In 2019, Thailand's government [adopted](#) its first National Action Plan on Business and Human Rights (2019-2020).
- Mandatory human rights due diligence for multinationals are [in place](#) in countries such as France and the UK. In the case of France, NGOs [report](#) that even 2 years after passing the *Duty of Vigilance* law in 2017, the regulation affecting companies such as Zara and Decathlon has yet to deliver tangible results. The UK Modern Slavery Act, applicable to firms doing business in the UK and achieving sales worth more than £36 million, requires firms to annually publish a statement on how the prevention of slavery and human trafficking is managed. [Five years after its implementation](#), one significant impact is that the number of people identified as potential victims has skyrocketed, but the follow-through on improving the situation of these victims is unsatisfactory. In both examples, ["it's time to ramp it up."](#)

Businesses

More and more companies across different sectors [are issuing policy statements](#) expressing their commitment to respect human rights in line with the UNGPs. Examples include:

- *Nissan*: In 2017, Nissan [issued](#) a Human Rights Policy Statement in accordance with the UNGPs. In 2018, Nissan cooperated with an NGO to implement human rights due diligence, which allows the firm to identify key areas of particularly high risk.



- *Unilever*: Unilever [has a](#) Human Rights Policy Statement in place outlining its commitment to human rights protection, due diligence processes and governance. The company's practices are guided by the UNGPs.



- *Global Business Initiative on Human Rights (GBI)*: The initiative, a [group](#) of globally operating companies from various sectors, aims to ensure implementation of the UNGPs through peer learning and the provision of resources and expertise. All member firms are actively working to implement human rights into daily operations.



Investors

- Financial institutions and investors have enhanced their engagement with businesses on how human rights risks are managed:
 - *Investor Alliance for Human Rights*: In 2018, this [initiative](#) was established by the Interfaith Center on Corporate Responsibility “to provide institutional investors with a dedicated platform to increase their capacity and impact in addressing human rights risks associated with business activities.” Reference is made to the UNGPs. In 2020, the initiative issued a [letter](#) to 95 of the world’s largest companies that ranked poorly on the [Corporate Human Rights Benchmark](#), which analyzes firms’ performance against the UNGPs, and urged them to take action to improve.

Members represent **\$4.5trn AUM**
 Prominent members include:
 Aberdeen Standard Investments,
 APG Asset Management, Calvert
 Research and Management, IWP
 Capital, JUST Capital, Rathbone
 Greenbank, Robeco, Union
 Investment

International Business Lawyers

There is also increased [recognition among international business lawyers](#) advising firms on how to implement human rights due diligence processes.

The Path Forward

Although progress has been made, the importance of protecting human rights in a business context is fundamental to global sustainability efforts and demands more tangible outcomes. Recent developments show that corporate human rights due diligence and government responsibility to protect human rights will be under the spotlight even more in the coming years. Below is a selection of initiatives that promise to create positive impact on the issue in the future:

- Legislation for **mandatory human rights due diligence** for businesses has been formally proposed in **countries** including Norway, Austria, Denmark, Switzerland, Belgium, Finland, Germany and Luxembourg.
- In April 2020, the European Commissioner for Justice [announced plans](#) for a legislative initiative in 2021 to introduce **EU-wide mandatory human rights due diligence** requirements in alignment with the UNGPs.
- In August 2020, the **PRI** [announced](#) that by 2025, signatories will have to report on how they incorporate human rights into their investment processes. This is expected to drive investors to direct more attention to human rights risks in their portfolios and improve their processes for identifying how investees are managing human rights concerns within their operations and supply chains. Investors are expected to take a stewardship role in pushing for better human rights conditions across the world.
- In order to drive wider and broader implementation among governments and businesses of the UNGPs, the UN Working Group on Business and Human Rights launched a new [project](#) in July 2020: *Business and human rights: towards a decade of global implementation.*
 - Upcoming Milestones of the project involve
 - **A report** to the Human Rights Council (June 2021) to provide baseline, vision and ambition for next phase
 - **A roadmap for the next decade** setting out an implementation strategy with goals and targets for States, business enterprises and associations, international organizations, and other actors