

The Corporate Responsibility to Respect Human Rights
Briefing on the work of the Special Representative of the Secretary-General on Business
and Human Rights

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What is the Special Representative of the Secretary-General on Business and Human Rights?

The Special Representative of the Secretary-General on Business and Human Rights, Professor John Ruggie of Harvard University (SRSG), was appointed in 2005 to clarify the role and responsibilities of business with regard to human rights. He reports to the United Nations Human Rights Council.¹

What is the framework that he proposed?

In June 2008, after extensive consultations with business, governments and civil society on five continents, the Special Representative proposed a policy framework for managing business and human rights challenges. It is based on three pillars: (1) the **state duty to protect** against human rights abuses by third parties, including business; (2) the **corporate responsibility to respect** human rights; and (2) greater **access to remedy**, judicial and non-judicial, for victims.

What happened to the framework?

The United Nations Human Rights Council was unanimous in welcoming the framework, and extended the SRSG's mandate by three years with the task of operationalizing it.

What is the corporate responsibility to respect?

The corporate responsibility to respect human rights means that companies must act with due diligence to **avoid infringing on the rights of others**. In addition to complying with national laws, the corporate responsibility to respect human rights is the baseline expectation for all companies in all situations. Companies may take on additional responsibilities voluntarily, and in some situations, such as when they perform certain public functions, more may be required of them.

The responsibility to respect is a core principle of the UN Global Compact (Principle 1: Business should respect and support the protection of internationally proclaimed human rights). It is also recognized by virtually every voluntary initiative and features in such soft law instruments as the ILO Tripartite Declaration and the OECD Guidelines for Multinational Enterprises.

What can companies do to discharge the responsibility to respect?

While important progress has been made, relatively few companies have systems in place enabling them to support with confidence claims that they respect human rights. What is needed therefore is a **due diligence** process whereby companies become aware of, prevent, and address adverse human rights impacts.

¹ The Human Rights Council is an inter-governmental body within the UN system made up of 47 States responsible for strengthening the promotion and protection of human rights around the globe.

Core elements of human rights due diligence are:

1. having a human rights policy;
2. assessing human rights risks and impacts;
3. integrating human rights throughout a company;
4. having a mechanism to handle grievances; and
5. tracking, as well as reporting performance.

Tools and resources that can help a company to exercise due diligence can be found at:

http://www.unglobalcompact.org/Issues/human_rights/Tools_and_Guidance_Materials.html

What is the appropriate scope of a company's human rights due diligence process? What factors does it need to consider?

Three are essential:

- The first is the country and local **context** in which the business activity takes place. This might include the country's human rights commitments and practices, the public sector's institutional capacity, ethnic tensions, migration patterns, the scarcity of critical resources like water, and so on.
- The second factor is what **impacts** the company's own activities may have within that context, in its capacity as producer, service provider, employer and neighbour, and understanding that its presence inevitably will change many pre-existing conditions.
- The third factor is whether and how the company might contribute to abuse through the **relationships** connected to its activities, such as with business partners, entities in its value chain, other non-State actors, and State agents.

Which human rights are relevant for companies?

Companies have the potential to impact virtually all human rights, thus should consider all human rights. For the substantive **content** of due diligence (that is, for the human rights to consider), companies at a minimum should look to the International Bill of Human Rights - the Universal Declaration and the two Covenants - as well as the ILO Declaration on Fundamental Principles and Rights at Work (the Global Compact's Labour Principles (3 to 6) are taken directly from this latter Declaration). They should do so for two reasons. First, the principles these instruments embody are the most universally agreed upon by the international community. Second, they are the main benchmarks against which other social actors judge the human rights impacts of companies.

Companies might need to consider additional standards depending on the situation. For example, in conflict affected areas they should take into account international humanitarian law and policies; and in projects affecting indigenous peoples, standards specific to those communities will be relevant.

How is the framework relevant to the UN Global Compact?

The SRSG's framework, as adopted by the UN Human Rights Council, is relevant to the UN Global Compact on many levels. In particular, the SRSG's elaboration of the corporate responsibility to

“respect” human rights as a baseline responsibility and of “complicity” (part of the responsibility to respect), which are some of the main concepts in UN Global Compact Principles 1 and 2.

Many participants in the Global Compact are keen to go beyond the avoidance of causing harm to help support/promote the enjoyment of human rights. Principle 1 of the Global Compact speaks of “supporting” human rights as well as “respecting” them. Socially responsible companies will typically also have a broader capability and often desire to support the promotion of human rights within their sphere of influence. Likewise, stakeholder expectations often extend to the belief that companies can and should make a positive contribution to the realization of human rights where they are in a position to do so. Many companies are involved in efforts to support/promote human rights at the local and/or global levels. This is encouraged by the UN Global Compact.

Where can we find out more?

All information and materials related to the SRSG’s mandate and work is posted on the Business & Human Rights Resource Center website

<http://www.business-humanrights.org/Gettingstarted/UNSpecialRepresentative>