

Toolbox Business and Human Rights

Flemish Parliament
21 October 2019

In collaboration with:



Vlaams
Parlement



brussels
airport

the heart of Europe



UNRIC



cifal
Global Network



cifal
Flanders



unitar
United Nations Institute
for Training and Research



Marie-Dominique Parent, Human Rights Officer, Office of the UN High Commissioner for Human Rights Europe

Introduction to the United Nations Guiding Principles on Business and Human Rights: Implementing the Protect, Respect & Remedy Framework

Liliana Lizarazo-Rodriguez, Professor University of Antwerp/Associate researcher IPIS Research

Lotte Hoex, Researcher Conflict and Natural Resources at IPIS Research

Illustration of the Toolbox Human Rights for business & organisations

Valerie Geluykens, CSR Manager JBC

Corporate best practice: JBC's human right policy and process

Introduction to the UN Guiding Principles on Business and Human Rights

Marie-Dominique Parent

Office of the United Nations High Commissioner

For Human Rights



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

UNGPs: Background

- Traditional HR agenda focusing on States
- Globalization + high-profile corporate scandals demonstrated need to curtail corporate abuse
- **Early Responses:**
 - Industry-wide standard setting, UN Global Compact, Human rights mechanisms (e.g., treaty bodies), etc.
 - Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights
 - Failed to be adopted by UN Commission on Human Rights in 2004



UNGPs: Background



*John Ruggie
Special Representative of the
UN Secretary-General (SRSG)*



2005: Commission on HRs asks SG to appoint a special representative to:

- *Identify and clarify standards of corporate responsibility*
- *Elaborate on the role of States*

2008: SRSG develops “Protect, Respect and Remedy” Framework

- *HR Council unanimously welcomes Framework and requests SRSG to “operationalize” it*

2011: SRSG submits UNGPs to the Human Rights Council

- *Evidence-based: voluminous research, 47 multi-stakeholder consultations*
- *HR Council **unanimously** endorses the UNGPs (A/HRC/RES/17/4)*
- *Endorsed by business, civil society, and NHRIs*

A global normative framework with a strong political foundation

- 2011: The Council unanimously endorsed the Guiding Principles for operationalizing the ‘Protect, Respect and Remedy’ framework in Resolution 17/4.
- Endorsed by global business organisations, leading civil society organisations, national human rights institutions
- Structured on the three pillars – Protect, Respect and Remedy

The 3-pillar framework

State Duty to Protect

- Must protect against HR abuse within territory and/or jurisdiction **by third parties (e.g., corporations)**
- Prevent, investigate, punish, and redress through effective **policies, legislation, regulations, and adjudication**

Corporate Responsibility to Respect

- **Avoid infringing** others' HRs and **address** adverse HR impacts with which they are involved
- Responsibility exists **over and above compliance with national laws** and regulations protecting HRs
- Conduct **human rights due diligence**
- **Remediate** when causing or contributing to HR harms

Access to Remedy

- States must ensure impacted individuals and groups have **access to effective remedy**
- Availability of different types of **grievance mechanisms**

UNGPs: Brief Overview

- Apply to all States.
- Apply to all companies, of all sizes, in every sector, in any country.
- Do not create new legal obligations or undermine existing ones – but elaborate on implications of existing obligations and practices for States and business.
- Advocate “smart mix” of regulatory and voluntary approaches – i.e., do not preclude international or national legal developments.
- Distinct, but complementary, responsibility between States and companies.
- Focused on preventing and addressing adverse impacts as baseline responsibility, does not preclude further responsibility of business for broader development.



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER



“Time to act: Governments as catalysts for business respect for human rights”

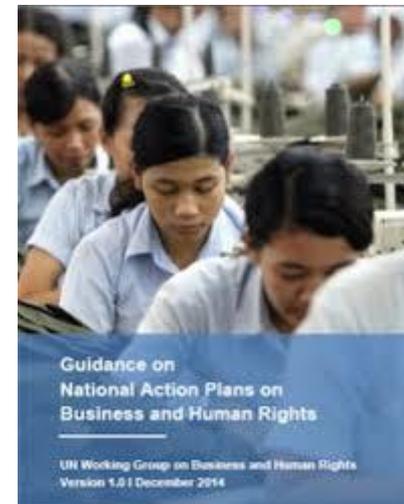
- Key message from 2018 Forum: governments must step up their action and leadership. The Forum agenda will look at what governments need to do to foster business respect for human rights, including by:
 - Leading by example
 - Setting clear expectations
 - Creating incentives for responsible
- Emphasis on “a smart mix of measures – national and international, mandatory and voluntary, incentives and sanctions – to foster business respect for human rights” and what this can mean in practice.
- Link to 2019 Forum at:
<https://www.ohchr.org/EN/Issues/Business/Forum/Pages/2019ForumBHR.aspx>
- 2020 Forum: theme to be determined and announced in due course



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

National Action Plans on Business and Human Rights

- 21 States have adopted NAPs since 2013
- 23 States are in the process of developing a NAP or have committed to do so.
- <https://globalnaps.org/> - for an overview of the NAPs (Status and content)





Céline Van Hecke

Project Manager CIFAL Flanders



Ruggie Framework (2011)

UN Special Representative, John Ruggie



Guiding Principles on Business and Human Rights (2011)

UN Human Rights Council



Multilateral commitment on Business and Human Rights

- OECD Guidelines and National Contact Points
- ILO Tripartite Declaration
- ISO 26000 on Social Responsibility

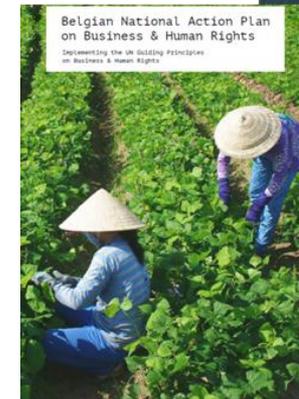
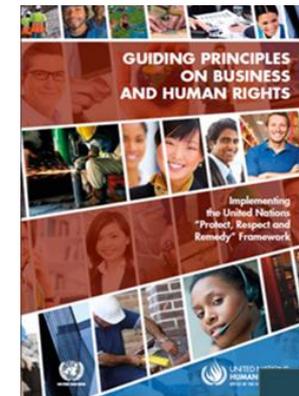


European Strategic Framework and Action Plan (2012)

Foreign Affairs Council, European Union



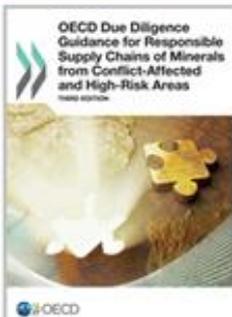
Belgian National Action Plan (NAP) on Business & Human Rights (2017)





Due diligence guidance by sector

Minerals



The OECD Due Diligence Guidance provides detailed recommendations to help companies respect and avoid contributing to conflict through their mineral purchasing decisions and practices.

[» More](#)

Extractive



This guidance provides a practical framework for identifying and managing risks with regard to stakeholder engagement activities.

[» More](#)

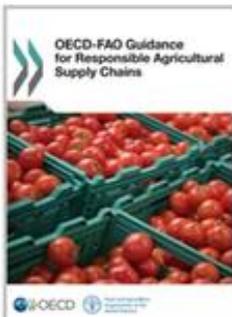
Garment and Footwear



This guidance supports a common understanding of due diligence and responsible supply chain management in the garment and footwear sector.

[» More](#)

Agriculture



The OECD and the UN FAO have developed guidance to help enterprises observe standards of responsible business conduct in the agricultural supply chain.

[» More](#)

Institutional Investors



This paper highlights key considerations for institutional investors in carrying out due diligence to identify and respond to environmental and social risks.

[» More](#)

Child Labour



These Practical Actions aim to help companies identify and address the worst forms of child labour in their mineral supply chain.

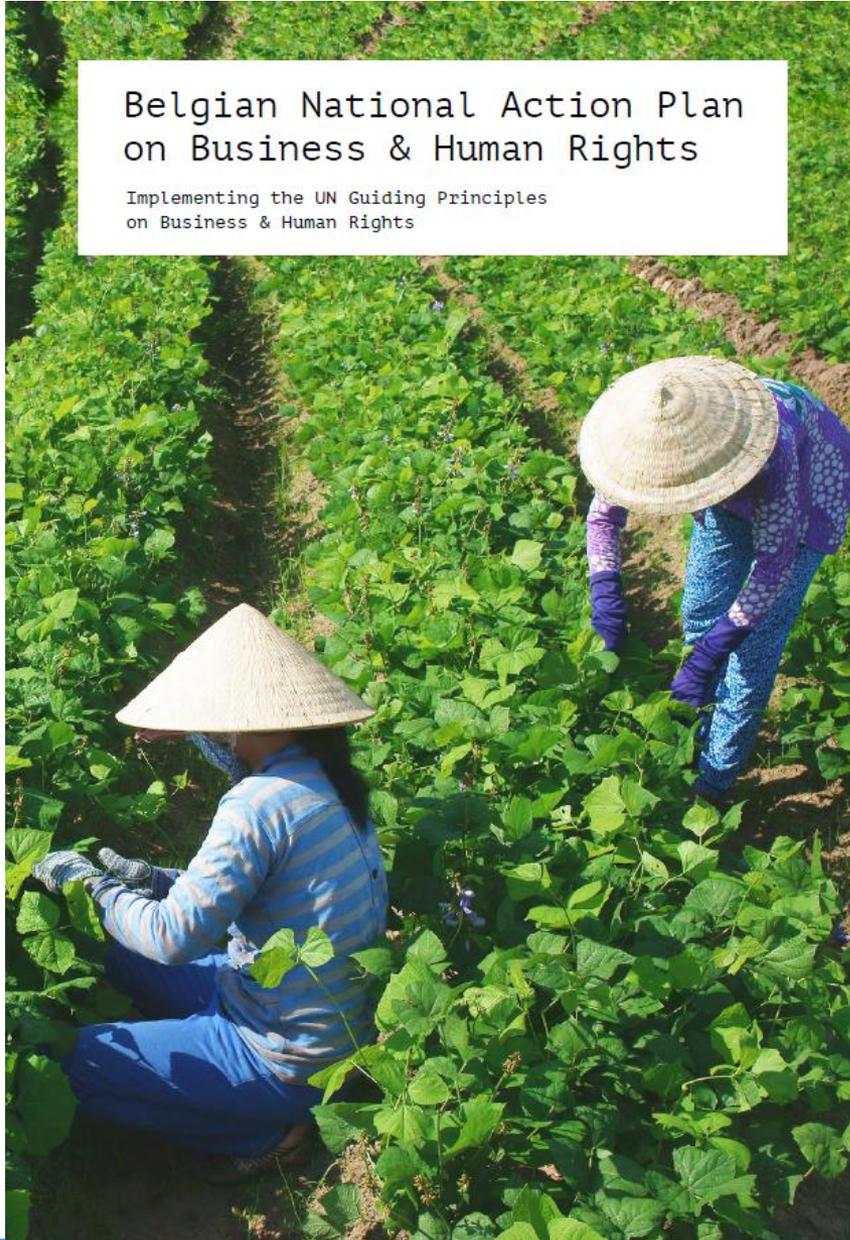
[» More](#)



Belgian National Action Plan on Business & Human Rights

Implementing the UN Guiding Principles
on Business & Human Rights

- **Social Responsibility Working Group of the Interdepartmental Commission for Sustainable Development (ICSD):** representatives from federal administrations and regional entities.
- **Stakeholder consultation** with various stakeholder groups (NGOs, unions and businesses)
- **Adopted in 2017**
- **33 actions, III pillars**

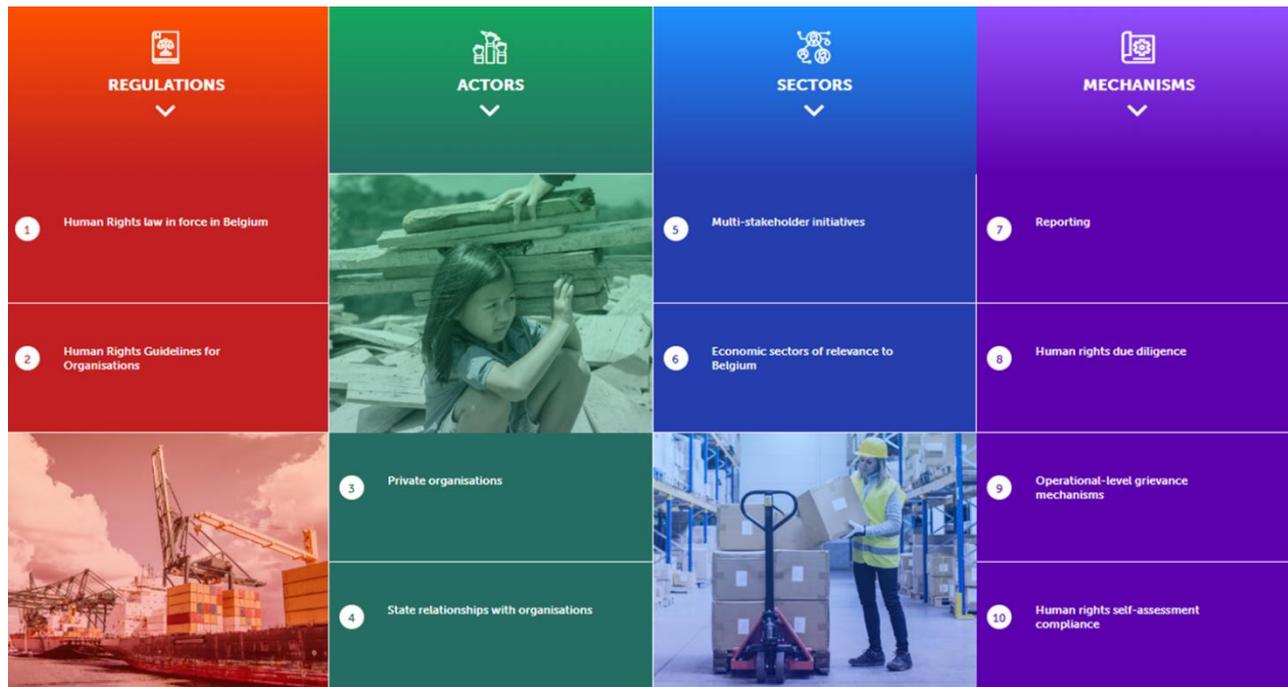




Liliana Lizarazo-Rodriguez, Professor University of Antwerp/Associate researcher IPIS Research

Lotte Hoex, Researcher Conflict and Natural Resources at IPIS Research

Illustration of the Toolbox Human Rights for business & organisations



Pause

Dit instrumentarium biedt een toegankelijke en gebruiksvriendelijke set van instrumenten aan om organisaties (en hun belanghebbenden) te begeleiden bij hun mensenrechtenverplichtingen in het kader van hun activiteiten.

LEES MEER

UN FLANDERS DAY 2019
Liliana Lizarazo Rodriguez – Lotte Hoex
UAntwerpen/IPIS Research

1 HUMAN RIGHTS LAW IN FORCE IN BELGIUM

What does this mean for your organisation?



WHAT

WHY

HOW

WHERE

WHAT ARE HUMAN RIGHTS?



Human rights are general principles and standards that give people the right **to be treated with dignity and without discrimination** on grounds of race, colour, sex, language, religion, belief, national or social origin, property, birth or other status.

- These rights are interlinked, interdependent and indivisible
- Human rights are not just about civil and political rights



1 HUMAN RIGHTS LAW IN FORCE IN BELGIUM

What does this mean for your organisation?



WHAT

WHY

HOW

WHERE

WHY ARE HUMAN RIGHTS RELEVANT?



Organisations (businesses) have a duty to respect human rights.

Therefore, they are expected to:

- ❖ **Know and comply with their legal obligations.**
- ❖ **Evaluate the human rights risks associated with their activities.**
- ❖ **Implement mechanisms to avoid, limit or mitigate adverse effects.**

If they violate human rights laws:

- ❖ They must seek to repair or compensate for the damage caused. .

Why is it important for international businesses to consider human rights in the value chain?

Businesses may be involved in adverse effects on human rights through their own activities or as a result of their business relationships.

Therefore, businesses are expected to:

- ❖ Identify the actual or potential human rights violations, depending on the activities carried out, the context and the specific circumstances.
- ❖ Monitor human rights violations if they are caused by a partner or an entity linked to their own activities.

Why?

- ❖ The activities, products or services of some organisations are inherently risky (e.g. mining, use of hazardous materials).
- ❖ For other businesses, the context of their activities (e.g. behaviour of other actors in the value chain) may increase the risks.

How can businesses address human rights risks? How do you get started?

The states in which parent companies have their headquarters should regulate how businesses comply with human rights, and promote responsive behaviour.

France - Law on the duty of vigilance of parent companies and large corporations (2017)

United Kingdom - Modern Slavery Act (2015)

Netherlands - Child Labour (Duty of Care) Act (2019)

- ❖ Parent companies or value chain coordinators must demonstrate that their own activities or those of their partners do not violate human rights in Belgium, in other EU countries or outside the EU.
- ❖ Businesses can also follow good practices to prevent or limit negative consequences for human rights.

The tools are further organised into groups as follows:



How can businesses address human rights risks?



 **Toolbox Human Rights**
for business & organisations

 **Toolbox Human Rights**
for business & organisations

Tools: 1 2 3 4 5 6 7 8 9 10 NL FR EN

Toolbox Human Rights
for business & organisations

home about test search

REGULATIONS ACTORS SECTORS MECHANISMS

5 MULTI-STAKEHOLDER INITIATIVES

What does this mean for your organisation?

^ MULTI-STAKEHOLDER INITIATIVES IN WHICH BELGIUM IS A PARTY

The MSIs described in this tool are relevant to Belgian organisations because Belgium is a signatory to these initiatives. The MSIs listed below are grouped per economic sector. All the MSI's standards described in this tool are non-binding, except for those of the Kimberley Process.

It is important to note that the majority of MSIs include businesses, civil society organisations and/ or other non-governmental members. This means that other MSIs, which are not included in this tool because the Belgian state is not a member, might be equally relevant for organisations using this toolbox. [Tool 6](#) describes a number of such MSIs in a selection of economic sectors that are specifically relevant for Belgium.

- ^ ENVIRONMENT
- ^ EXTRACTIVES
- ^ AGRICULTURE
- ^ GARMENT SECTOR

[Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector \(2017\)](#)

The [OECD](#) guidance provides organisations with a complete package to operate and source responsibly in the garment and footwear sector. Issues covered by the Guidance are child labour, sexual harassment, forced labour, trade unions, health and safety, water, wages, working time, bribery and corruption, responsible sourcing, hazardous chemicals and greenhouse gas emissions.

6 ECONOMIC SECTORS OF RELEVANCE TO BELGIUM

What does this mean for your organisation?

WHAT WHY HOW WHERE

Construction sector

- ^ REGULATORY FRAMEWORK GOVERNING THE CONSTRUCTION SECTOR
- ^ INDUSTRY INITIATIVES
- ^ MULTI-STAKEHOLDER INITIATIVES
- ^ EXPERT CENTRE

Metals and minerals

^ REGULATORY FRAMEWORK GOVERNING THE METALS AND MINERALS SECTOR

- ^ INTERNATIONAL LABOUR ORGANISATION
- ^ OECD
- ^ EUROPEAN UNION

The [EU Regulation 2017/821](#) lays down supply chain due diligence obligations for EU importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas. The regulation is based on the OECD Guidance for responsible mineral supply chains.

This regulation aims to disrupt links between conflict, human rights abuses, and the global minerals trade, by requiring importers bringing **ores, 3T and gold** into the EU, from anywhere in the world, to do so responsibly. EU importers are required to apply the OECD five-step framework for risk-based supply chain due diligence as a tool to source responsibly from high-risk areas. EU importers include EU-based



<https://business-humanrights.be/>

Liliana.LizarazoRodriguez@uantwerpen.be

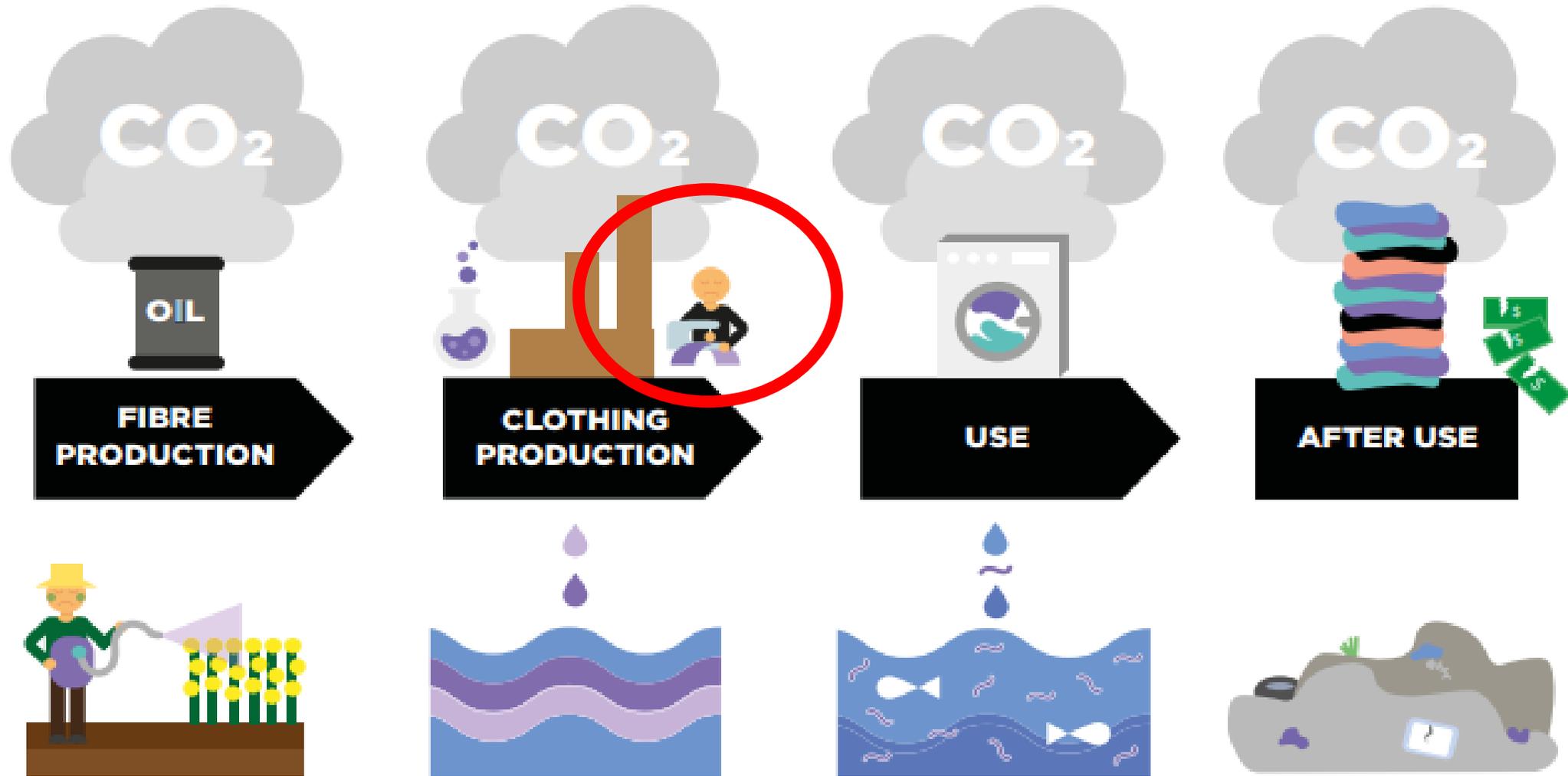
Lotte.Hoex@ipisresearch.be

**There's no business like
sustainable business**



..jbc

Fashion... A dirty business











WHO WANTS CHANGE?

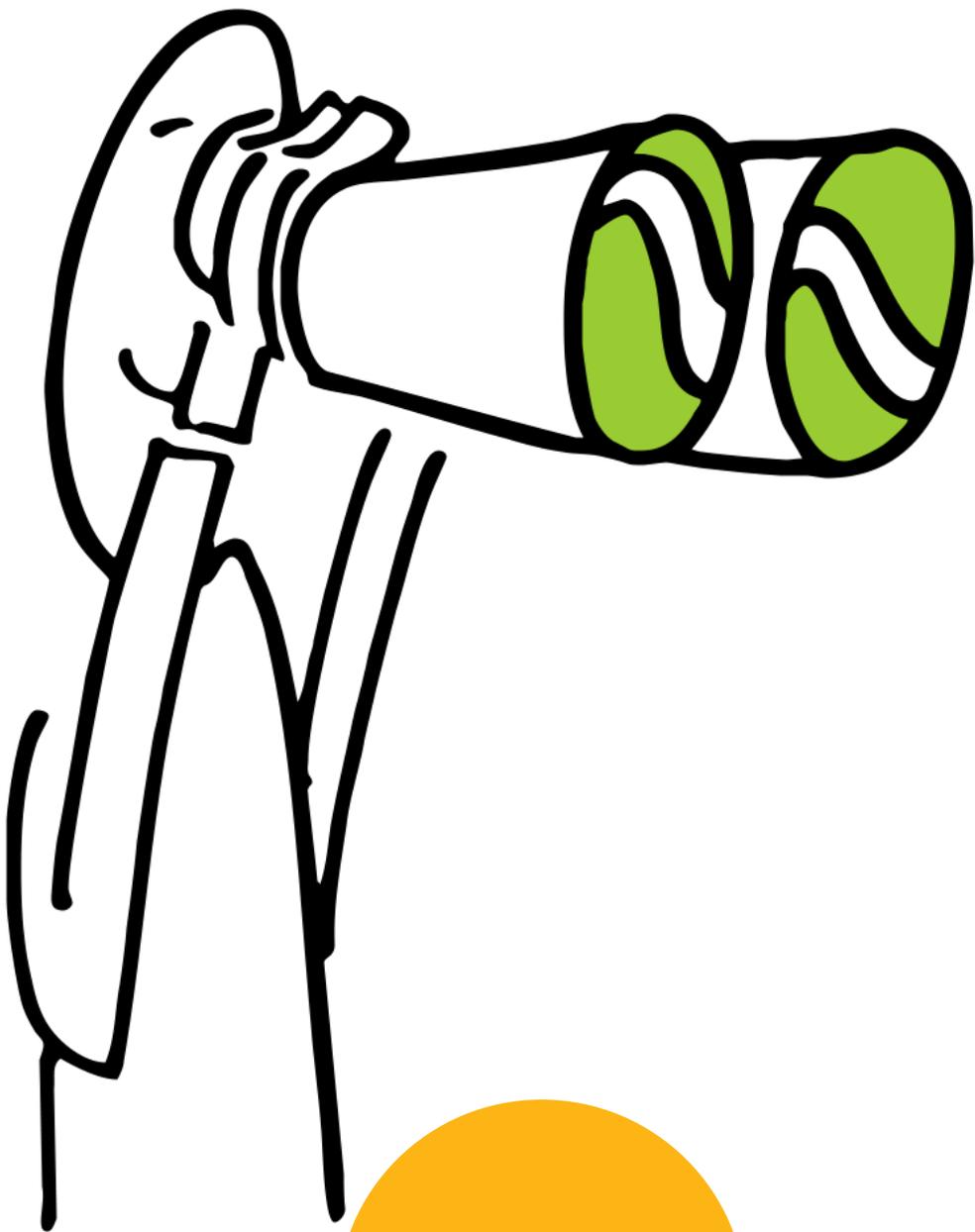
A cartoon panel with a light blue background. On the left, a man's head and neck are shown in profile, facing right. He has a simple, stylized appearance with some dots on his forehead. A large white speech bubble with a black border extends from his mouth, containing the text 'WHO WANTS CHANGE?'. Below the speech bubble, a row of approximately 15 hands of various shapes and sizes are raised, indicating a high level of interest or agreement.

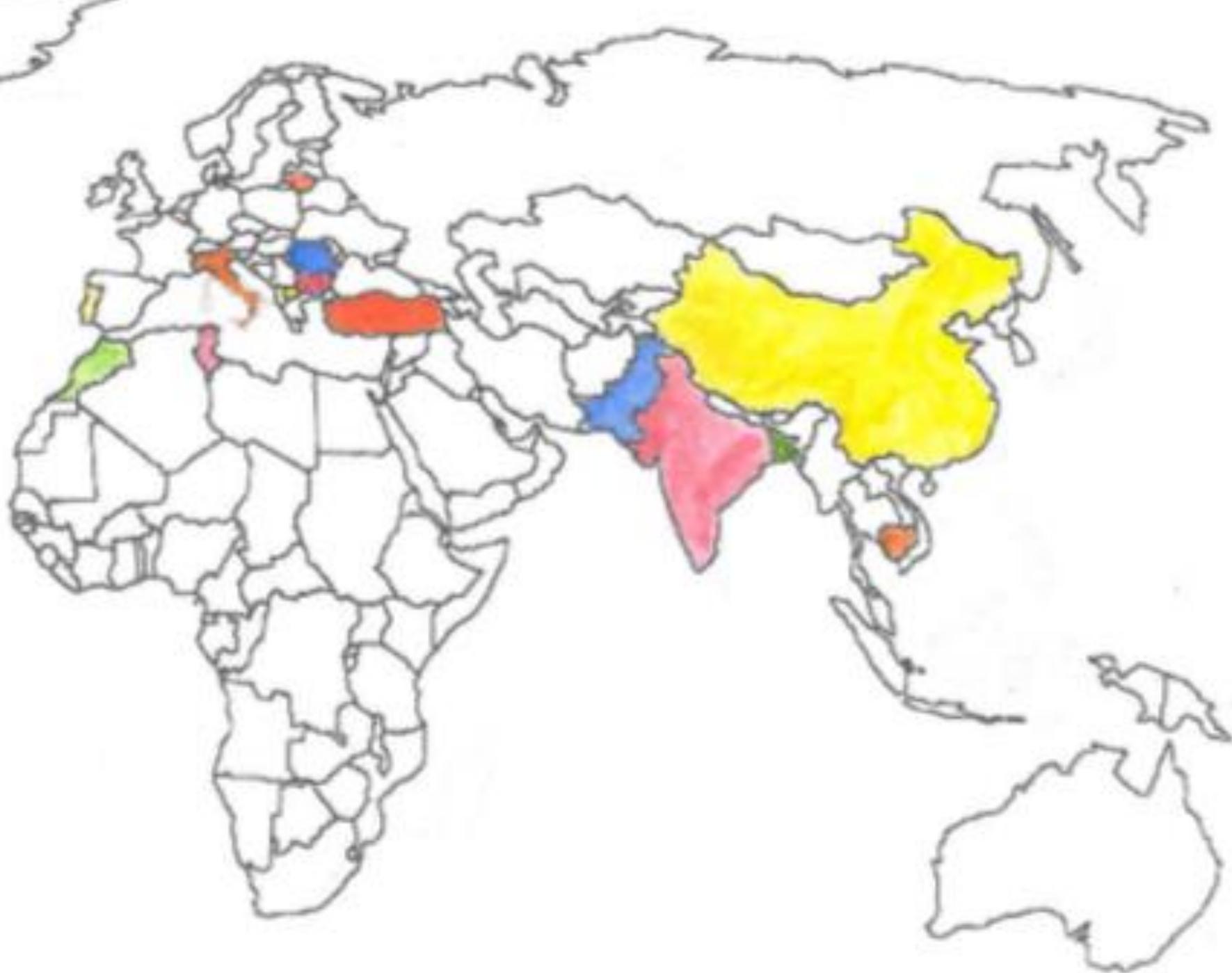


WHO WANTS TO CHANGE?

A cartoon panel with a light blue background. On the left, the same man's head and neck are shown in profile, facing right. A large white speech bubble with a black border extends from his mouth, containing the text 'WHO WANTS TO CHANGE?'. Below the speech bubble, only two hands are raised, indicating a much lower level of interest or agreement compared to the first panel.









- Questionnaire production location
- Sign Code of Labour practices
- Post Worker Information Sheet
- Audit Report + CAP
- Transparency Tier 2, 3,...
- Visit





JBC China Office





**WHAT CAN
WE DO
BETTER?**

PARTNERSHIP



COLLABORATION



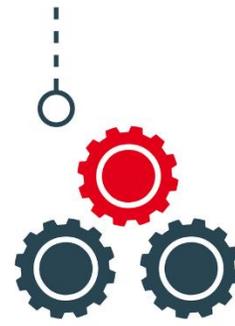
PERFORMANCE



PLAN



TEAMWORK



SYNERGY



SUCCESS



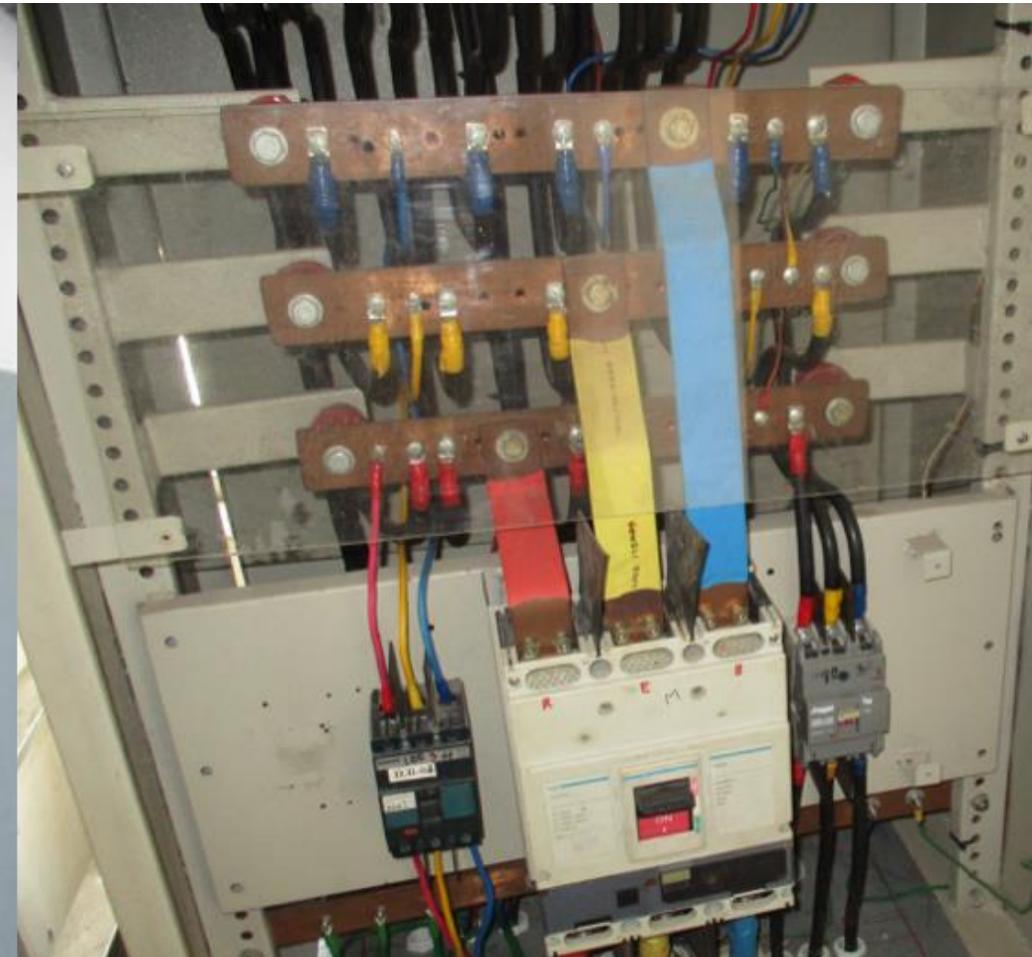
WIN-WIN



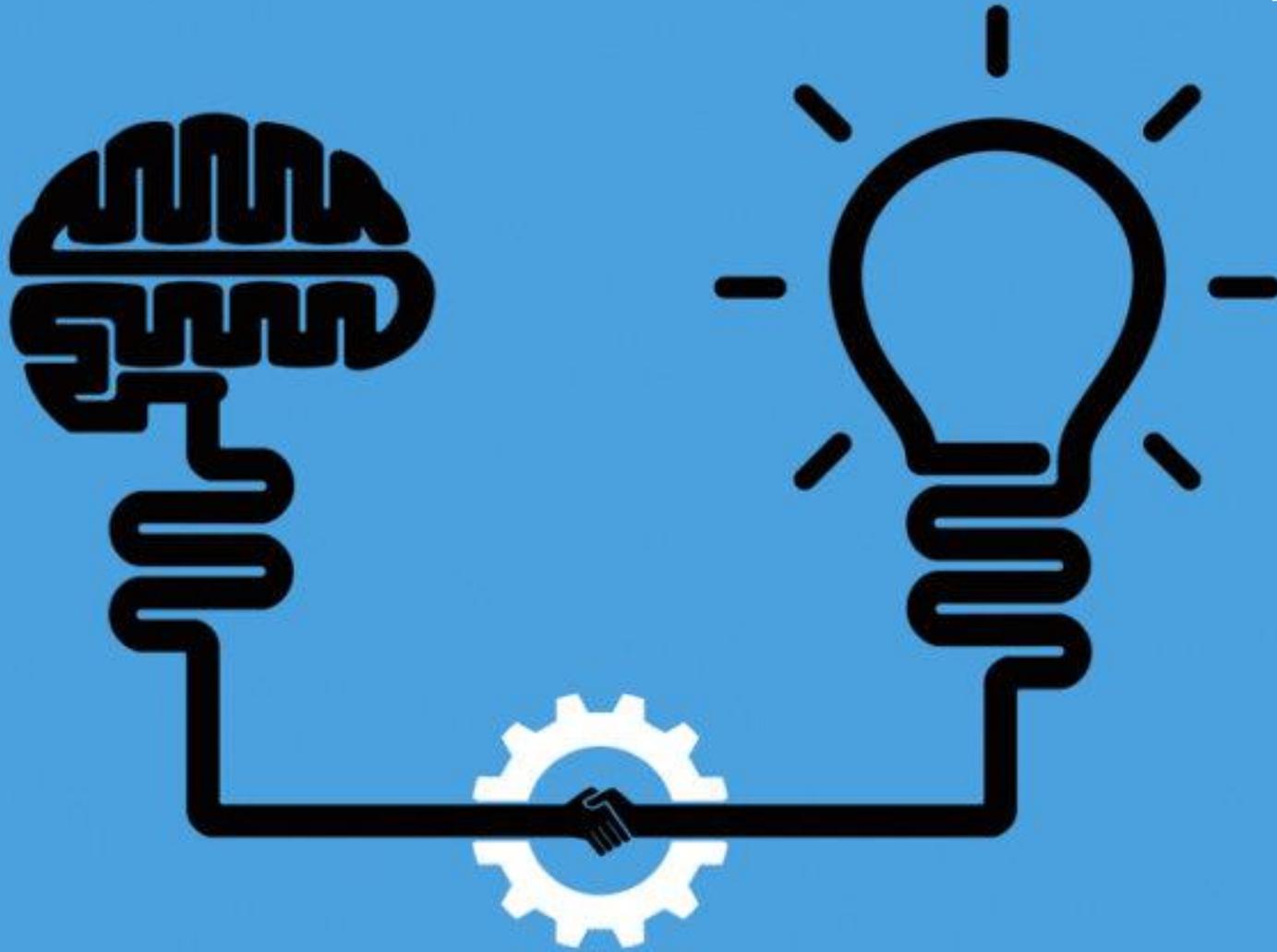
**April
24th
2013**



First Belgian retailer to sign the
ACCORD
on Fire and Building Safety in Bangladesh



PARTNERSHIPS



FAIR
WEAR

SUSTAINABILITY REPORT 2018



