

Term paper

# **National Action Plans to implement the UN Guiding Principles on Business and Human Rights**

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**Abstract**

The attention of businesses and civil society groups for human rights due diligence has been greater since the adoption of the United Nations Protect, Respect and Remedy Framework in 2008 and its Guiding Principles on Business and Human Rights in 2011. Human rights due diligence plays the central role of the United Nations Guiding Principles on Business and Human Rights, which establishes the main parameters internationally for the considering corporate responsibility for human rights violations. This term paper will demonstrate the implementation of the United Nations Guiding Principles through national action plans by states and businesses and analyse the human rights due diligence process to identify and mitigate potential human rights risks for workers in its operations, supply chains and the services it uses.

**Keywords:** business and human rights, National Action Plans, UN Guiding Principles on Business and Human Rights, human rights due diligence.

**JEL classification:** K33, K38

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## **II. List of figures**

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#### **IV. List of abbreviations**

HRDD	Human rights due diligence
ICAR	The International Corporate Accountability Roundtable
ILO	International Labour Organisation
NCP	National Contact Points
OECD	Organisation for Economic Co-operation and Development
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNGP(s)	United Nations Guiding Principles on Business and Human Rights

# **1 Introduction**

## **1.1 Research problem**

The actions of business enterprises have a significant effect on people's entitlement of their human rights either positively or negatively. On one hand, enterprises can enhance their workers' working performance by delivering innovative technologies and services in production process or increasing salary. On the other hand, companies may be involved with negative human rights issues, for instance discrimination, sexual harassment, health & safety, freedom of association and to form unions, rape, torture, freedom of expression, privacy, poverty, food and water, education and housing. The United Nations Guiding Principles on Business and Human Rights (UNGPs) which were adopted by consensus of the United Nations Human Rights Council (UNHRC) in June 2011 address this need and offer the first international reference framework and human rights in the context of business, clearly defining the duties and responsibilities of all players in three-pillar model known as the "Protect, Respect and Remedy" Framework including 31 principles. Although protecting human rights is the main duty of national governments, companies also have a responsibility to respect human rights and follow the national action plans in this field.

National Action Plans (NAPs) were first developed in 2011 by the European Union, the Council of Europe, the Organisation of American States, the G7, the G20, national human rights institutions and business associations in order to support the implementation of the UN Guiding Principles on Business and Human Rights. The UN Working Group on business & human rights encourages governments to adopt NAPs on business & human rights as "an important means to promote the implementation of the UNGPs", specifically of the state duty to protect human rights. In 2019, over 50 countries have produced a national action plan or have been in the process of developing a NAP or have committed to developing one.

The implementation of UN Guiding Principles in business enterprises or in the state's territory should be analysed to support the design of measures within a national action plan. This analyse comprises assessing to what extent businesses have committed to respecting human rights and carrying out human rights due diligence. The establishment of human rights due diligence process can help enterprises to reduce or counter-balance adverse impacts on human rights. In other word, implementing human rights due diligence is the responsibility of enterprises to manage adverse human rights impacts. This is also the main focus of UN Guiding Principles on Business and Human Rights with five out of 31 principles.

## **1.2 Research method**

This term paper aims to analyse steps of national action plans in the process of implementing the UN Guiding Principles on Business and Human Rights. The focus of this term paper will be on depicting the integration of human rights due diligence into policies and procedures in companies. The purpose of this paper is to answer the following questions:

- How are the UN guiding principles through national action plans implemented?
- How can human rights due diligence be integrated in enterprises?

## **1.3 Course of investigation**

Based upon the research question postulated in section 1.2, the function and development of a national action plan will be described in the second chapter. In the third chapter, UN Guiding Principles on Business and Human and the implementation of the UN Guiding Principles in national action plans will be illustrated in the first and second sub-section respectively. The role of human rights due diligence in enterprises as well as in supporting the UN Guiding Principles will be presented in the fourth chapter. The conclusion will be placed at the end of the main body in this term paper.



## **2 National Action Plans**

### **2.1 Value of national action plans on Business and Human Rights**

### **2.2 Developing a national action plan**

### **3 UN Guiding Principles on Business and Human Rights**

#### **3.1 The role of UN Guiding Principles on Business and Human Rights**

#### **3.2 Three-pillar Framework**

#### **3.3 National Action Plans to implement UN Guiding Principles**

## **4 Human rights due diligence**

### **4.1 Human rights due diligence in UN Guiding Principle**

### **4.2 Integration of human rights due diligence**

## **5 Conclusion**

### **5.1 Summary**

### **5.2 Critical acclaim**

### **5.3 Outlook**

## V. List of references

- Abdullin, A. I., & Sinyavskiy, A. A. (2019). *The Role Of National Action Plans In Implementation Of International Standards In Business And Human Rights*. Gênero & Direito. doi: 10.22478/ufpb.2179-7137.2019v8n6.49312
- Amis, L. (June 2011). *How to Develop a Human Rights Policy*. UN Global Compact Office, Retrieved from [https://www.ohchr.org/Documents/Publications/DevelopHumanRightsPolicy\\_en.pdf](https://www.ohchr.org/Documents/Publications/DevelopHumanRightsPolicy_en.pdf)
- Ethical Trading Initiative. *Human Rights Due Diligence Framework*. Retrieved from <http://www.businessrespecthumanrights.org/en/page/338/doing-business-with-respect-for-human-rights>
- Felice, D. D., & Graf, A. (2015). *The Potential of National Action Plans to Implement Human Rights Norms: An Early Assessment with Respect to the UN Guiding Principles on Business and Human Rights*. Journal of Human Rights Practice, 7(1), 40–71. doi: 10.1093/jhuman/huu023
- Hampton, D. B. (2019). *Modern Slavery in Global Supply Chains: Can National Action Plans on Business and Human Rights Close the Governance Gap?* Business and Human Rights Journal, 239–263. doi: 10.1017/bhj.2019.16
- Publisher Shift, Oxfam and Global Compact Network Netherlands. (2016). *Doing business with respect for human rights: a guidance tool for companies*. (2nd edition). Retrieved from <http://www.businessrespecthumanrights.org/en/page/338/doing-business-with-respect-for-human-rights>
- Rivera, H. C. (2019). *National Action Plans on Business and Human Rights: Progress or Mirage?* Business and Human Rights Journal, 213–237. doi: 10.1017/bhj.2018.33
- UN Guiding Principles on Business and Human Rights.(2011). *Implementing the United Nations “Protect, Respect and Remedy” Framework*, 2011.(2018). International Human Rights Law Documents, 348–354. doi: 10.1017/9781316677117.043
- United Nations. (2014). *Frequently asked questions about the Guiding Principles on Business and Human Rights*. UN, Office of the High Commissioner for Human Rights,. <http://digitallibrary.un.org/record/782367>
- United Nations. (29 August 2002). *Handbook on National Human Rights Plans of Action*. (New York and Geneva). Retrieved from <https://www.ohchr.org/Documents/Publications/training10en.pdf>

## **VI. Declaration of originality**

I hereby declare that this term paper and the work reported herein was composed by and originated entirely from me. Information derived from published and unpublished work of other has been acknowledged in the text and references are given in the list of references.

Place, Date  
Hamburg, 2 May 2020

Signature

Thy Tran