

Call for inputs to information note — UN Working Group on Business and Human Rights

Ensuring business respect for human rights in the political and regulatory sphere and preventing “corporate capture”

Background

The UN Working Group on Business and Human Rights (“the Working Group”) is developing an information note to examine links between corporate political engagement practices and responsible business conduct. Specifically, the information note will explore how to encourage responsible political engagement, how to prevent what constitutes undue political influence by businesses—sometimes termed “corporate capture”—and how such activities may undermine and be inconsistent with the corporate responsibility to respect human rights set out by the UN Guiding Principles on Business and Human Rights (“the Guiding Principles”).

The note will address how businesses should account for this responsibility and exercise human rights due diligence (HRDD) when engaging in a variety of activities in the political sphere – from lobbying to political donations to decisions about whether to speak publicly about policy debates that may impact their employees and other members of their community. The note will focus on how HRDD can identify negative impacts for people and planet resulting from corporate political engagement activities and good practices in terms of how to prevent and mitigate such impacts. The note will aim to create greater coherence between businesses’ commitments to respect human rights and their political and lobbying activities, which are not always in alignment.

To help inform its analysis, the Working Group invites all interested parties to submit written inputs. The below questions provide a guide for structuring inputs, but the Working Group also welcomes inputs on other relevant aspects, as well as submissions of pre-existing written output from individuals and organizations (civil society reports, academic journal articles, etc.).

Inputs should be sent to wg-business@ohchr.org with subject line “Survey inputs: corporate political engagement.” Please make submissions no later than November 18, 2021.

Questions

- How should “corporate capture” and its connection with human rights be defined? What distinguishes legitimate corporate political engagement from undue political influence by businesses which carries human rights risks?
- Are there specific examples of undue corporate influence that has led to government decision-making that negatively impacts human rights? Are there specific sectors where this has taken place either in the global or domestic context? What solutions or measures have been taken to encourage responsible and transparent corporate engagement in global and national policy-making?
- What measures can States take to prevent and address corporate political activities that may undermine the State’s ability to protect human rights and businesses’ responsibility to respect

human rights, including situations arising from trade and investment frameworks? For example, what types of lobbying/conflict of interest transparency and disclosure mechanisms are useful tools to provide greater transparency into corporate political activities?

- What are good practices that businesses can implement to avoid undue political influence or engaging in political activities that negatively impact human rights?
- What are key practical considerations for businesses when creating human rights due diligence processes that will take into account the impacts of their political activities? What does/might this look like in practice, including for global political engagement (e.g., corporate engagement with multilateral institutions or international treaty processes)? Do good practice examples exist (not necessarily framed in human rights “language”)?
- What are specific challenges rightsholders face in seeking remedy when harmed by policymaking resulting from corporate political engagement that is not rights-respecting?
- What less overt or lesser-known forms of undue influence or “corporate capture” should the Working Group consider when assessing this topic and making reformations? (e.g., corporate sponsorship of science and academic research, etc.).
- What are specific human rights risks posed by corporate capture to groups such as women and girls, indigenous communities and human rights defenders?