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Mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises

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Request for inputs
Policy coherence in government action to protect against business-related human rights abuses

The UN Working Group on Business and Human Rights is pleased to inform you that it is undertaking a consultative process with all relevant stakeholders to inform its 2019 report to the General Assembly on “policy coherence in government action to protect against business-related human rights abuses”. It is therefore seeking your inputs on how your work has been impacted by policy coherence, or the lack thereof, in the field of business and human rights.

Please email your response (maximum 3,000 words) to wg-business@ohchr.org by **17 June 2019**. Kindly indicate “Inputs to UNWG GA74 report” in the subject line.

Unless indicated otherwise, the responses received will be posted on the Working Group’s website in the language in which they are received.

Background

Ensuring policy coherence in government action is critical to the effective implementation of the UN Guiding Principles on Business and Human Rights (the Guiding Principles) and to helping businesses to comply with their responsibility to respect human rights.

However, a lack of policy coherence in government practice remains widespread across regions and often departments and agencies that shape business practices are not sufficiently aware of or equipped to act in conformity with the State’s international human rights obligations. This may result in a lack of action by the government, including in its role of economic actor, to prevent or protect against human rights abuses in the context of business activities.

Experiences to date suggest that tensions can exist between different ministries/departments with conflicting mandates and agenda. This is often manifested in the lack of “horizontal policy coherence”, where departments and agencies, at both the national and subnational levels, that shape business practices – including those responsible for corporate law, investment, export credit and insurance, trade and labour as well as those in charge of areas such as natural resources and land management – are not sufficiently aware of or equipped to act in conformity with the State’s international human rights obligations.

To other stakeholders

Identifying practical ways of improving coordination and coherence building at the State level can contribute to addressing such challenges. The Working Group has consistently highlighted that National Action Plans on Business and Human Rights (NAPs)¹ provide a useful tool to strengthen policy coherence to help protect against business-related human rights abuses. An increasing number of States have adopted or initiated processes to develop such NAPs and other relevant policy frameworks.

In order to assist States further to meet their human rights obligations, the Working Group's report to the 2019 General Assembly will look at what can be learned from current efforts to **strengthen policy coherence in the context of the implementation of NAPs and other policy frameworks, such as specific chapters on business and human rights in national human rights action plans.**

In the process of preparing the forthcoming report, the Working Group invites all relevant stakeholders (including civil society organizations, trade unions, academia, national human rights institutions, businesses, and industry associations) to provide inputs based on a number of guiding questions below. The inputs received in response to this open call will inform the Working Group's report.

Guiding questions

1. What do you consider to be the main challenges in achieving policy coherence at the national level in the implementation of the Guiding Principles? How have these challenges impacted on your work in the field of promoting business respect for human rights?
2. Is there an effort on the part of the government to improve policy coherence in the area of business and human rights? If so, what is the nature of the process and has your organization been involved, for example, in the context of multi-stakeholder advisory bodies for developing and /or implementing National Action Plans or other policy frameworks? What were the challenges and opportunities encountered?
3. Have improvements in policy coherence in the areas of business and human rights, including through development of National Action Plans or other policy frameworks, impacted on the human rights situation and, if so, in what ways? Please provide examples.
4. What do you consider to be the main challenges in the implementation of the Guiding Principles across the sub-national levels, for example in Federal States?
5. Are there any linkages made to encourage policy coherence in promoting responsible business conduct as part of the efforts to engage the corporate sector in the implementation of the Sustainable Development Goals?
6. Are there examples of lessons learned from policy coherence in the implementation of other areas of social or environmental policy that could be beneficial in the area of business and human rights?

¹ The Working Group has issued guidance for States to support development of NAPs to advance implementation of the Guiding Principles https://www.ohchr.org/Documents/Issues/Business/UNWG_NAPGuidance.pdf

7. Please provide any other relevant information relating to policy coherence to protect against business-related human rights abuse that you think that the Working Group should take into account in its preparation of its report to the General Assembly.
