

*Summary of the Report of the UN Working Group on Business and Human Rights to the UN General Assembly (A/70/216) - available in English, French, Russian, Spanish, Chinese, and Arabic at:
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Measuring the implementation of the UN Guiding Principles on Business and Human Rights

The Needs for Measurement

In 2011 Member States of the UN Human Rights Council unanimously endorsed the [UN Guiding Principles on Business and Human Rights](#). The Guiding Principles brought clarity to the roles and responsibilities of companies and States in preventing and addressing business-related harm, functioning like a blueprint to guide efforts by governments and companies to improve their practices.

The UN Working Group on Business and Human Rights was set up to work toward the effective implementation of the Guiding Principles. The importance of this task barely needs to be stated. Every business, in every country in the world, can impact human rights, both positively and negatively.

Over four years after the endorsement of the Guiding Principles, what can we see in terms of implementation? And how can we ascertain with certainty that progress is being made and resulting in increased protection of individuals and communities against harm?

There is some clear evidence that progress is being made. Over two dozen States have adopted or are in the process of developing National Action Plans on Business and Human Rights. A growing number of National Human Rights Institutions are taking up private-sector impacts as a priority. Global standards, including the International Finance Corporation Sustainability Framework for its lending operations, the OECD Guidelines for Multinational Enterprises, the ISO standard 26000, and the Global Reporting Initiative's Sustainability Reporting Guidelines have converged around the Guiding Principles, with regional organizations following suit. An increasing number of companies have adopted policies and due diligence processes in line with the Guiding Principles, and many business organizations have issued guidance to their members in this regard. These are all signs that we are moving from generic commitments to specific actions.

And yet, despite such evidence, we lack systematic and comprehensive data on the nature and scale of business impacts, and on efforts by States, companies and others to prevent and address harms.

Reliable information on progress made to implement the Guiding Principles, and also on the gaps in that progress, is essential to steer efforts in the right direction and ensure that commitments are followed by action. In other words we need robust measurement of the Guiding Principles to ensure their effective implementation.

The State of Play: Existing Initiatives and Gaps

There is a wealth of potentially relevant initiatives and data available. Existing measurement initiatives represent a range of methodologies, some with explicit reference to the Guiding Principles: States, for instance, collect and publish data on the implementation of laws and

policies that safeguard labour conditions, human rights and environmental standards. Companies track the implementation of their sustainability and corporate social responsibility policies. NGOs and affected communities have their own tools to monitor and report on business impacts. And surveys, benchmarking and ranking initiatives assess States and companies' commitments and processes with respect to preventing and addressing corporate harm.

In its report, the Working Group assesses relevant initiatives, how their data gives us information on progress being made in implementing the Guiding Principles, and identifies a number of gaps. Four critical gaps identified from the research include:

First, data is generally not collated or presented in a way that enables a clear assessment of Guiding Principles implementation. For instance, we might have strong data about the effectiveness of courts in a country, but no information as to their specific treatment of cases related to business harm.

Second, we have more data on commitments rather than actual impacts. A number of initiatives measure and track whether companies have a human rights policy, or States have committed to Guiding Principles implementation or ratified ILO conventions. Very few initiatives offer data as to the extent to which these companies and governments are implementing their commitments, nor whether they are having the intended effect on the ground.

Third, a much larger number of initiatives measure company respect for human rights (Pillar 2 of the Guiding Principles) compared to the other two pillars (States' duty to protect / access to remedy). Measurement of access to remedy in particular is lagging behind. While information on remedy is available at national and international levels, we lack data on the number and nature of grievances against companies and the effectiveness of the bodies tasked with remediating those grievances.

Lastly, we see some issues being measured more than others. While data on labour rights and environmental impacts is often readily available, we know much less about the rights of communities and the protection of human rights defenders working on business-related harm, for instance.

Next Steps: Galvanizing Measurement Efforts

In its report, the Working Group identifies a number of strategic entry points to expand and deepen the effort to measure the implementation of the Guiding Principles.

First, we need to expand existing vehicles to increase data on State implementation of the Guiding Principles. National Action Plans on Business and Human Rights (NAPs) are one such vehicle. In the process of developing a NAP, governments collect information on the human rights challenges arising from business operations in their jurisdiction, and on their own laws and processes to address them. This data collection process is essential to developing an action plan which truly addresses the key challenges in the country. It can also give us data and knowledge at the global level on States' actions.

Another entry point is the use of reporting mechanisms in the UN human rights system. Reporting to treaty bodies or under the Universal Periodic Review provides an opportunity for governments to assess the implementation of the Guiding Principles and for treaty bodies and other States to monitor these efforts and identify gaps.

Second, we must embed the Guiding Principles into existing frameworks measuring companies' performance. Most existing initiatives to measure company performance don't refer to human rights exclusively or in any depth, but follow a broader framework for assessing the social impacts of companies. These include 'environmental, social and governance' ('ESG') initiatives by investors, as well as sustainable stock exchange indices, and 'triple-bottom line', or 'people', 'planet' and 'profit'-based accounting practices. Adapting these frameworks to Guiding Principles-specific indicators and issues represents a significant opportunity for increasing measurement of Guiding Principles implementation.

Third, at the global level, the 2030 Agenda for sustainable development and the Sustainable Development Goals (SDGs) provide significant opportunities for increased implementation and measurement of the Guiding Principles. The Working Group welcomes the specific reference to the Guiding Principles in the 2030 Agenda. As business is encouraged to play a key role in efforts to meet the SDGs, this role must be matched with equally substantial responsibility and accountability, for which the Guiding Principles provide an authoritative framework. And this must include the measurement effort and the setting up of indicators at global and national level that accompany SDGs' implementation.

A fourth, and crucial, entry point is to work towards global convergence and agreement on how we measure the implementation of the Guiding Principles. Not only do we lack the data to measure Guiding Principles implementation, but we also lack the definitions and frameworks for doing so. We therefore need to unpack the Guiding Principles into measurable elements, and come to a consensus on how to determine which areas are showing progress and which are falling behind. The Working Group encourages further efforts to foster and extend this process of convergence.

Addressing the Risks of Measurement

Measuring any complex phenomenon carries inherent political and methodological risks. Deciding what and how to measure necessarily highlights some issues while de-emphasizing others. As we consider the approaches and information necessary to assess the implementation of the Guiding Principles, we must ensure that our efforts aim to gather information that is meaningful to know, not what is easiest to measure.

This effort, therefore, requires an inclusive process and an appropriate mix of qualitative and quantitative approaches. Any measurement effort should be made with the participation of actors across stakeholder, geographical and political divides, and should include the perspectives of individuals and communities harmed by business operations. The goal of measuring Guiding Principles implementation is, ultimately, to encourage a 'race to the top' among States and companies. In devising this effort, we must ensure that the end we aim toward, as well as the means for reaching it, have the human rights of the most vulnerable at their centre.

The Working Group ends its report by making recommendations not only to States, civil society organizations and companies, but also business associations, investors, academics, National Human Rights Institutions, and the UN human rights system. It hopes that those recommendations will provide the needed impetus for a more robust, consolidated and global approach to measuring the implementation of the Guiding Principles.