



Submission to the UN Working Group on Business and Human Rights

Day Associates is pleased to observe the consultation on the key thematic priorities and activities for the mandate of the UN Working Group on Human Rights and Transnational Corporations and Other Business Enterprises.

We are encouraged to note that a key priority for the Working Group will not only be the promotion and dissemination of the 'Guiding Principles for the implementation of the UN Protect, Respect and Remedy Framework' but also, the implementation of the Principles by governments and companies.

We believe that the identified tasks are relevant, and we are particularly pleased to note that advice to governments on the development of domestic legislation relating to business and human rights is highlighted. In this regard, we would recommend that priority is given to advising the governments of the Least Developed Countries.

With respect to companies, we believe that the business and human rights impacts arising from Small and Medium Sized Enterprises (SMEs) are often overlooked. We would urge the Working Group to focus attention on understanding the unique challenges faced by SMEs to implementing the Guiding Principles, and develop guidance and appropriate assistance to enable them to realise their corporate responsibility to respect human rights.

We are pleased to read that the Working Group will focus on building the capacity of "*relevant actors to address business and human rights impacts*". Here, we view that focus to identify 'relevant actors' could come from ascertaining some of the key stakeholders that are often disproportionately affected, for example, indigenous groups.

With regard to the priority to "*enhance access to effective remedies for those whose human rights have been affected by businesses*", we are unsure as to how the Working Group would be able to do this in practice. However, we do believe that there is a role for the Working Group to act as a repository of knowledge on all business and human rights judicial and non-judicial grievance mechanisms that are developed and on-going.

Day Associates prefers to not offer a list of human rights that the Working Group should prioritise. In our view, all human rights are of equal importance, and governments and companies should be ensuring that any efforts made are holistic and address all 30+ human rights. That said, we understand that tackling specific human rights maybe the preferred approach for practical reasons.

In striving for a level business and human rights playing field, it will be important that governments and companies, the key actors charged with implementing the Guiding Principles, are given sufficient guidance, and where necessary support, on how to progress from understanding their obligations and responsibilities, to action.

Day Associates is an independent 'think and do' tank committed to building the capacity of governments and companies to understand and address their human rights challenges.

For clarification on any of the aforementioned points, please contact Désirée Abrahams on desiree@dayassociates.org.uk

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