

# Helpdesk on Business & Human Rights

## Concept Note



### INTRODUCTION

The Office of the High Commissioner for Human Rights (OHCHR) is the “institutional focal point within the United Nations System for providing uniform guidance and clarification on issues relating to the interpretation of the [\[UN Guiding Principles on Business and Human Rights \(UNGPs\)\]](#),” the authoritative global standard for preventing and addressing human rights harms in the context of business activities.<sup>i</sup>

**The proposal to establish a Helpdesk on Business and Human Rights aims to enhance OHCHR’s ability to support States, businesses, civil society and other actors in effective implementation of the UNGPs.**

In 2012, the Secretary-General warned of the risk of “fragmentation in interpretation and divergence of understanding among stakeholder groups” if too many different actors developed their own interpretation of the UNGPs.<sup>ii</sup> As the UNGPs grow in popularity (on the OHCHR site alone, the UNGPs have been accessed over 2.5 million times, with the number of visits increasing each year), so does this risk. In recent years, OHCHR has experienced an ever-growing number of requests for guidance and clarification from States, businesses, civil society and other actors in relation to the interpretation and implementation of the UNGPs. However, there has been a discrepancy between the scarce internal resources available and the rapidly-increasing number of requests for this kind of service. A lack of sufficient dedicated capacity and formal institutional anchoring of this function within OHCHR has limited the ability to respond to such requests, resulting in responses sometimes being undertaken with long delays, and without the ability to work at scale. There is therefore a need to institutionalise and upgrade this line of work in order to allow OHCHR to better support all relevant stakeholders with authoritative guidance and clarification. This is vital to ensure that the UNGPs are implemented in a consistent manner across jurisdictions and industries, and to enable the establishment of a level playing field for rights-respecting business conduct.

The UN Working Group on Business and Human Rights recommended the establishment of a “help desk function at OHCHR” as a means to step up the Office’s institutional support to States, businesses, civil society, and other actors, as part of its suggested actions for enhancing capacity building in Action Area 8 in its [UNGPs 10+ Roadmap report](#).<sup>1</sup> The establishment of a Helpdesk on Business and Human Rights (“BHR Helpdesk”) would greatly enhance OHCHR’s capacity to respond to requests for interpretative advice and to deliver practical tools and capacity-building for a more effective and uniform implementation of the UNGPs and advancement of the BHR agenda.

### A. BACKGROUND

#### The UNGPs 10+ Roadmap

The tenth anniversary of the unanimous endorsement of the UNGPs by the Human Rights Council was in June 2021. Marking this anniversary, the UN Working Group on Business and Human Rights, in cooperation with OHCHR and other partners, launched the [UNGPs 10+](#) project to take stock of implementation of the UNGPs and to chart a course of action for the decade ahead. The Working Group launched the [UNGPs 10+ Roadmap for the next decade of business and human rights](#) in November 2021.

<sup>1</sup> This concept note presents the main contours of the BHR Helpdesk proposal. The note is part of OHCHR fundraising efforts to implement the recommendations of the UN Working Group on Business and Human Rights in its [Roadmap for the next decade of UNGPs implementation](#). A full funding proposal can be presented upon request.

The Working Group's Roadmap noted that, "[t]o date, the UN system has not developed sufficient structures or tools to further reinforce [UNGPs] implementation support."<sup>iii</sup> In this regard, the Working Group recommended the establishment of a "help desk function at OHCHR to institutionalize a mechanism for business, governments, civil society and other stakeholders to meet the growing demand for how to align with the UNGPs."<sup>iv</sup> The Working Group reiterated this recommendation along with a call to support the establishment and resourcing of an OHCHR helpdesk in their 2023 report on [building capacity for the implementation of the UNGPs](#).

**To date, the UN system has not developed sufficient structures or tools to further reinforce UNGPs implementation support.**

An [OHCHR report on sustainable global supply chains](#) prepared for the German Presidency of the Group of Seven (G7) echoed the Working Group's Roadmap recommendations, calling on G7 States to "commit to using their broad powers across domestic policy areas to implement more ambitious supporting measures" to implement the UNGPs as a complement to mandatory approaches.<sup>v</sup> The report also encouraged the G7 to consider the creation of a "capacity-building facility," in line with the Working Group's Roadmap recommendations.<sup>vi</sup>

### Ongoing guidance and technical support by OHCHR

As the guardian of the UNGPs, OHCHR (and its Business and Human Rights Unit (BHRU) in particular) is uniquely placed to provide authoritative clarification in relation to the UNGPs as the global standard for business and human rights. The BHRU comprises OHCHR's thematic experts on the UNGPs, works in close coordination with the Working Group and has extensive networks of leading BHR experts from around the world.<sup>vii</sup>

Since the Human Rights Council's endorsement of the UNGPs in 2011, OHCHR has produced numerous [publications and other resources](#) to help different audiences understand and implement the Guiding Principles, such as [The Corporate Responsibility to Respect Human Rights: An Interpretive Guide](#) (accessed over 600,000 times).

OHCHR regularly engages with a wide range of actors concerning interpretative advice connected to the UNGPs, their implementation and other BHR-related issues. The office often works with **States** on these issues, in particular to respond to requests regarding how domestic laws (for instance, [mandatory human rights due diligence legislation](#)) and policies (for instance, National Action Plans on BHR) can align with the UNGPs. OHCHR's engagement with **business** on BHR has [involved a range of activities](#), such as the [Business Peer-Learning Project](#), where BHRU has facilitated national- or regional-level peer-learning workshops to discuss challenges, lessons learned and good practices in the implementation of the UNGPs in a given context. Additionally, OHCHR regularly engages with **civil society organizations (CSOs)** and **other actors (such as international organizations)** that have approached the Office, for instance to produce official, authoritative interpretations of the UNGPs on particular issues or sectors.

#### Examples of OHCHR's interpretative advice on the application of the UNGPs

- [Response to request from Danwatch for advice regarding the application of the UNGPs in the context of the export of military software \(2021\)](#)
- [Response to request from BankTrack and OECD Watch for advice regarding the application of the UNGPs where private sector banks act as nominee shareholders \(2021\)](#)
- [Response to request from BankTrack for advice regarding the application of the UNGPs in the context of the banking sector \(2017\)](#)
- [Response to request from OECD for advice regarding the UNGPs and the financial sector \(2013\)](#)

More targeted guidance and technical support from OHCHR has taken place through various projects dedicated to specific issues, sectors, and countries. Through its [Accountability and Remedy Project](#), OHCHR has provided advice to States and business on good practices around the world regarding remedial systems and enhancing access to remedy. Through its [B-Tech Project](#), OHCHR has provided authoritative guidance and resources for implementing the UNGPs in the tech sector. Additionally, while OHCHR has a vast network of colleagues and works with actors across the globe, dedicated BHR projects in [Latin America and the Caribbean](#) and in [Africa](#) have built capacities of OHCHR field presences, States, business, civil society, and other actors to support responsible business practices in specific regions.

However, responses to requests for support and guidance have so far been ad-hoc and circumscribed by limited capacity and by the sometimes-unofficial nature of this kind of activity. The BHRU consists only of a small team of professional staff based in Geneva covering large portfolios in addition to contributing to interpretative advice and capacity building. Such limited staff resources compared to the increasing demands for guidance and advice regarding the application of the UNGPs illustrate the need to establish a robust BHR Helpdesk function.

Requests for interpretative advice and technical support in relation to UNGPs implementation will continue to increase as the buy-in and implementation of the UNGPs gathers momentum. As indicated above, the popularity of the UNGPs continues to grow each year, and the expanding regulatory and policy frameworks building on the UNGPs in recent years, in particular those regarding human rights due diligence, suggest that the need to institutionalize a mechanism within OHCHR to ensure consistent, uniform interpretation of the UNGPs will only grow in years to come.

### Complementarity of a BHR Helpdesk at OHCHR with other initiatives and actors

As OHCHR is the institutional focal point within the UN system for guidance and clarification on the UNGPs, the BHR Helpdesk would be focused on providing interpretative advice and capacity-building regarding *the UNGPs*, not other standards or laws.

Thus, while it could be appropriate for the helpdesk to provide an assessment of the extent to which a draft law aligns with the UNGPs, it would be out of scope for the helpdesk to comment on the legal implications of national laws related to business and human rights.<sup>viii</sup> Such a role would likely be filled by national- or regional-level helpdesk functions (where they exist) established to support the implementation of relevant laws and policies, including laws regarding mandatory human rights due diligence. The BHR Helpdesk would seek to complement, not substitute, such efforts, for instance by

- being a resource that other helpdesks could use to seek guidance on the UNGPs,
- directing requests for advice to relevant national or regional bodies with more appropriate competence, and/or
- facilitating the exchange of good practices and lessons learned amongst different helpdesks.

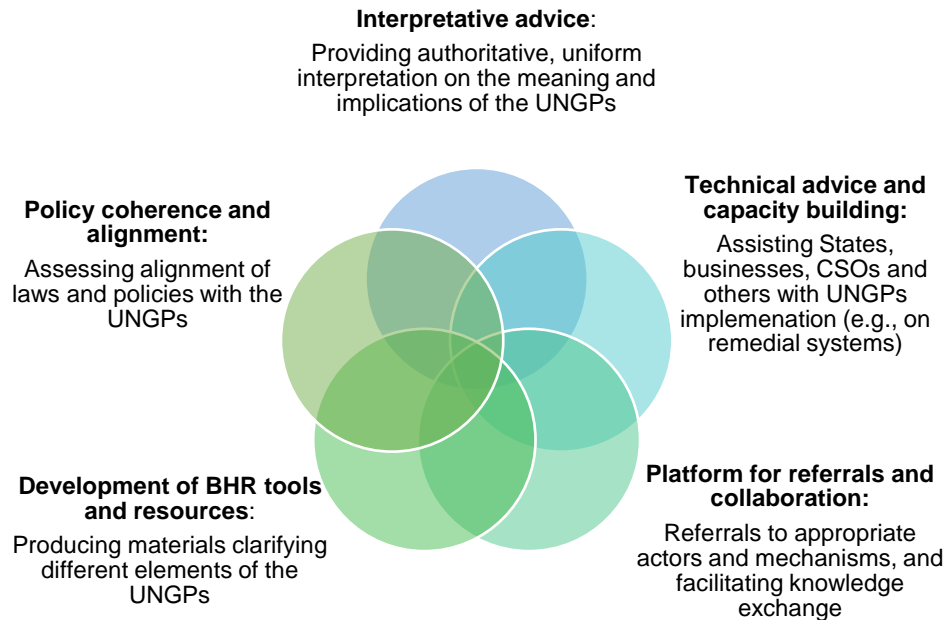
Similarly, the BHR Helpdesk would not claim the authority to provide interpretations of international labour standards; where requests of that nature are received, the BHR Helpdesk would direct such requests to the [ILO Helpdesk for Business](#). The ILO Helpdesk for Business, which helped inspire the BHR Helpdesk, operates as a one-stop shop on how to align business operations with international labour standards, and it has proven to be a highly successful initiative (its dedicated site receives over 50,000 hits per month, being the most frequently accessed ILO website by a significant margin).

Further, the BHR Helpdesk and OHCHR's advisory role is meant to be distinct, but complementary, to the activities of the UN Working Group on Business and Human Rights. The Working Group does not typically provide interpretative advice to individual business enterprises, CSOs or government actors upon request;<sup>ix</sup> that function has been performed by OHCHR as part of the Office's wider technical cooperation function. At the same time, in performing a BHR Helpdesk function, OHCHR will liaise closely with the Working Group to ensure alignment in approaches to interpretative and practical matters relating to the UNGPs.

## B. THE CONCEPT OF A BHR HELPDESK

### Proposed functions

The BHR Helpdesk will help OHCHR perform several functions:



- **Interpretative advice for States, businesses, civil society and other actors.** The BHR Helpdesk will offer a centralised platform where States, businesses, civil society organizations and others could seek authoritative interpretation on the meaning and implications of the UNGPs. The BHR Helpdesk will centralise the requests for support that are regularly received by BHRU in relation to specific technical issues or country situations and can coordinate responses, in cooperation with the UN Working Group on Business and Human Rights where appropriate. Individual requests for advice may be kept confidential.
- **Policy coherence and alignment.** The BHR Helpdesk will be available to provide assessments of the extent to which (draft) laws and policies (such as national action plans on BHR) align with the UNGPs, and provide recommendations based on such assessments.
- **Technical advice and capacity building.** The BHR Helpdesk can be a resource through which technical advice and capacity building support can be provided to States, businesses, CSOs, and other actors on UNGPs implementation. In particular, the helpdesk can leverage the technical expertise of BHRU on specific issues, sectors, and countries. For instance, given the vast learnings from the Accountability and Remedy Project, the BHR Helpdesk could advise States, business, multi-stakeholder initiatives, and others on ways to develop or improve grievance systems in line with the UNGPs.
- **Development of BHR tools and resources.** The BHR Helpdesk will also serve the function of accelerating the production of new BHR materials to complement OHCHR's existing BHR-related resources.<sup>x</sup> For instance, where BHR Helpdesk staff detect trends in misinterpretations of the UNGPs, materials can be developed and shared publicly to clarify those areas.
- **Platform for referrals and collaboration.** The BHR Helpdesk will operate as a centralized platform through which BHR-related questions and requests can be made. Where such questions and requests relate to issues over which other actors and institutions have more appropriate competence and authority, the helpdesk can help redirect them to the appropriate body. For instance, questions about national due diligence laws would be

referred to national helpdesks, questions concerning international labour standards would be referred to the ILO helpdesk, and questions concerning particular human rights subjects (e.g., civic space, Indigenous Peoples' rights, etc.) could be sent to OHCHR teams specializing in those areas. Additionally, the BHR Helpdesk could help facilitate the exchange of good practices and lessons learned, for instance through convenings of national BHR helpdesks.

## Governance

The helpdesk would be institutionally anchored within OHCHR's Business and Human Rights Unit, with a dedicated helpdesk coordinator role being set-up and several members of staff supporting with their respective issue, sectoral and regional expertise. The team would leverage the wider OHCHR system, as well as its extensive network of business and human rights practitioners and specialists, depending on the issue.

Funding permitting, the BHR Helpdesk would consist of a global effort, with dedicated OHCHR staff in field presences in each region to address questions and requests in each UN language and across time zones.

## C. FURTHER INFORMATION

1. To learn more about OHCHR's work in relation to business and human rights, please visit: [www.ohchr.org/en/business-and-human-rights](http://www.ohchr.org/en/business-and-human-rights)
2. For further information on this proposal, please contact
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## References

<sup>i</sup> Report of the Secretary-General, [Contribution of the United Nations system as a whole to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles on Business and Human Rights](#), A/HRC/21/21, para. 33 (2012).

<sup>ii</sup> *Id.* at para. 32.

<sup>iii</sup> UN Working Group on Business and Human Rights, [UNGPs 10+: A Roadmap for the next decade of business and human rights](#), p. 49 (2021) (emphasis added).

<sup>iv</sup> *Id.*, at p. 51 (emphasis added).

<sup>v</sup> OHCHR, [Sustainable Global Supply Chains: G7 Leadership on UNGP Implementation](#), p. 33 (2022).

<sup>vi</sup> *Id.* at p. 35.

<sup>vii</sup> Being part of OHCHR, the BHRU also has access to thematic specialists on a range of topics and is able to easily incorporate broader human rights expertise into its BHR analyses.

<sup>viii</sup> At the same time, it might be in the scope of the helpdesk to provide answers regarding how a globally-operating business from a specific industry could ensure a standard of conduct in line with the UNGPs when operating in markets with different national laws on business and human rights.

<sup>ix</sup> Under the mandate received from the Human Rights Council, the Working Group produces thematic reports on specific issues pertaining to UNGPs implementation (e.g. relating to gender, human rights defenders, etc.) and acts on individual instances of alleged human rights abuses and violations related to business activities. It also provides specific policy recommendations to States in the context of its country visits.

<sup>x</sup> <https://www.ohchr.org/EN/Issues/Business/Pages/Resources.aspx>.