



## The U.N. “Protect, Respect and Remedy” Framework

### Applications of the Framework

The Special Representative of the United Nations Secretary-General for business and human rights has identified instances of applications of the U.N. “Protect, Respect and Remedy” Framework, in whole or in part, as a resource for those looking for examples of the Framework’s practical application within the context of a particular organization. Hyperlinks are provided in the text.

Other examples can be sent to [frameworkinaction@srsconsultation.org](mailto:frameworkinaction@srsconsultation.org).

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#### *Additions since 15 December 2010:*

- Companies: Nestlé
- Multistakeholder initiatives: Global Network Initiative
- Legal Organizations: International Bar Association

## States

### Australia

- [2008 Senate Motion](#) (pp. 3037 – 3038), June 2008: “[N]otes that the Special Representative emphasises that it should be an ‘urgent priority of governments’ to ‘foster a corporate culture respectful of human rights at home and abroad’ ... [and] calls on the Government to encourage Australian companies to respect the rights of members of the communities in which they operate and to develop rights compliant grievance mechanisms, whether acting in Australia or overseas.”
- [National Human Rights Consultation Committee 2009 report](#), September 2009 (Chapter 6)

### Canada

- Export Development Canada’s [2009 Corporate Social Responsibility Report](#), June 2010: “EDC supports and participates in the work of Harvard Professor Dr. John Ruggie, Special Representative of the United Nations Secretary General on the issue of human rights and transnational corporations and other business enterprises.” (p. 33)
- Export Development Canada [Human Rights Statement](#), April 2008. [Press release](#): “The Statement follows the recent recommendations by the United Nations’ Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises.”

### Europe

- [European Union Presidency Statement on "Protect, Respect, Remedy" framework](#), November 2009: “The United Nations’ Protect, Respect and Remedy framework provides a key element for the global development of CSR practices.”
- Daniel Augenstein, [Study of the Legal Framework on Human Rights and the Environment Applicable to European Enterprises Operating Outside the European Union](#), October 2010 (commissioned by the European Commission, DG Enterprise) “This study has identified a number of opportunities for legal reforms that could be explored, with a view to better contributing to the further implementation of the UN Framework.”

### Norway

- Ministry of Foreign Affairs: [Report No. 10 to the Storting \(2008-2009\), Corporate social responsibility in a global economy](#), January 2009 Norwegian White Paper on Corporate Social Responsibility: “In his April 2008 report, the Special Representative states that a human rights due diligence process should include four areas ...Processes of this kind also have relevance for the other aspects of the CSR concept.” (p. 37)

### United Kingdom

- Foreign & Commonwealth Office: [Business and Human Rights Toolkit](#), October 2009, “to assist the staff of overseas missions by explaining how business operations may affect human rights”.

- Final Statement by the National Contact Point for the OECD Guidelines for Multinational Enterprises: [Complaint from Survival International against Vedanta Resources plc](#), 25 September 2009: *“Vedanta should consider implementing John Ruggie’s suggested key steps for a basic human rights due diligence process.”*
- Final statement by the National Contact Point for the OECD Guidelines for Multinational Enterprises: [Afrimex \(UK\) Ltd](#), 28 Aug 2008: *“The NCP’s consideration is centred on the level of “due diligence” applied to the supply chain by Afrimex. Professor Ruggie defines due diligence as “a process whereby companies not only ensure compliance with national laws but also manage the risk of human rights harm with a view to avoiding it”... The NCP does not consider the suppliers’ statements constitute sufficient due diligence”.*
- House of Lords/House of Commons Joint Committee on Human Rights
  - [Any of our Business? Human Rights and the UK Private Sector](#): First Report of Session 2009–10: *“We call on the Government to continue to support Professor Ruggie and to encourage UK businesses and civil society to engage with his work.”*
  - [Government response](#), November 2009. *“This programme will include developing a strategy on the private sector and human rights which takes forward recent work from the Ministry of Justice, the Joint Committee on Human Rights and the UN Special Representative on Business and Human Rights.”* (p. 31)

### **National Human Rights Institutions**

International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights, [Edinburgh Declaration](#), 10 October 2010: *“The NHRIs here assembled agree... [t]o proactively consider new ways in which NHRIs’ mandates can be used to advance the “protect, respect and remedy” framework while recognising the need for its further development and alignment with international human rights standards.”*

Asia-Pacific Forum of National Human Rights Institutions, [2008 report of the Advisory Council of Jurists on Human Rights and Corporate Accountability](#), July 2008: *“Adopting the SRSG’s tripartite approach ... the ACJ provides the following recommendations with regard to the role an NHRI can play in promoting human rights compliance pursuant to their core functions of monitoring, education, advocacy and complaint handling.”* (p. 15)

Australian Human Rights Commission [Fact Sheets on Business and Human Rights](#), 2009: *“The responsibility of companies to respect human rights is in part a matter of due diligence... Undertaking due diligence is the first step to embedding human rights into core business practices.”*

Malaysian National Human Rights Institution (Suhakam), Project on Business and Human Rights (as reported at [15th Asia Pacific Forum 2010 Annual Meeting](#), 3-5 August 2010): *“Currently, SUHAKAM is preparing for a workshop to develop a proposed policy/guideline relating to human rights and business with particular consideration to the Report of the Special Rapporteur of the Secretary General on human rights and transnational corporations and other*

*business enterprises, Mr John Ruggie, to be proposed to the Government for enforcement and observed by private businesses operating in Malaysia.”*

South African Human Rights Commission, [Submission on the Department of Trade and Industry’s draft Bilateral Investment Treaty Policy Framework Review](#), June 2009: *“A critical aspect of Ruggie’s pillar of the corporate obligation to ‘respect’ human rights is the human rights impact assessment (“HRIA”) which bears similarities to the environmental impact assessment...”* (p. 9)

## NGOs

Amnesty International:

- [A Regulatory Framework on Corporate Accountability: Submission in preparation for the \[EU\] Corporate Social Responsibility Forum in November 2010](#), 15 November 2010 *“The Council should mandate the Commission to develop a framework based on the principle that States must prevent third parties, including businesses from abusing human rights law and standards.”*
- [Proposals for a human rights chapter for the revised OECD Guidelines for Multinational Enterprises](#), 25 October 2010
- [Submission to the Review of the International Finance Corporation \(IFC\) Sustainability Framework](#), 30 April 2010
- [Submission to the Review of the Revised Recommendation on Common Approaches on the Environment and Officially Supported Export Credits](#), March 2010

Burma Campaign UK: [Investor Pressure Moves Toyota Affiliate to Divest from Joint Venture with Burmese Regime](#), 5 October 2010: *“The corporate responsibility to respect human rights is becoming the international norm...Toyota’s action to influence its affiliate to divest from Myanmar Suzuki Motor is a good example of its human rights commitment.”*

Cambodian Center for Human Rights: [Business and Human Rights in Cambodia: Constructing the Three Pillars](#), 30 November 2010

Center for Constitutional Rights, EarthRights, International Western Shoshone Defense Project, ESCR-Net: [Stakeholder Submission on United States Obligations to Respect, Protect and Remedy Human Rights in the Context of Business Activities](#) for the Universal Periodic Review, 19 April 2010

Human Rights Law Resource Centre (Australia) Policy Brief: [Business and Human Rights: Setting the Agenda](#), March 2010: *“Australia should ... explicitly adopt the Special Representative’s framework as a basis for Australia’s approach to both international and domestic corporate human rights law and policy.”* (p. 2)

Institute for Human Rights and Business: [The “State of Play” of Human Rights Due Diligence: Anticipating the Next Five Years](#), June 2010

South African Institute for Advanced Constitutional, Public, Human Rights and International Law, [Making Corporations Accountable for Human Rights: The Implications of the Constitution for Corporate Law Reform](#) (Parliamentary Submission: Companies Bill), 7 August 2008: *“The [SRSB’s] report emphasizes the state’s duty to protect individual rights against abuse by non-state actors... It is this duty that we seek to urge MPs to take seriously in adopting the law reform proposals we recommend. Reform of corporate law represents one area where the state can fulfil its duty to protect.”* (p. 14)

Oxfam Australia: [Submission to the UN “Protect, Respect, Remedy” Framework Expert Multi-Stakeholder Consultation](#), January 2010: *“Unfortunately the uptake of elements of the framework is limited to the ‘big end of town.’ Oxfam Australia has undertaken a desk-top review of policy commitments (ie public commitments) made by Australian mid-tier mining companies ...”* (p. 3)

Troicare, [Our Pensions, Our Future: The National Pensions Reserve Fund: the need for policy reform to allow for a responsible investment policy that secures our future and is coherent with Ireland’s international obligations](#), June 2010: *“The Minister for Finance should engage the Irish Human Rights Commission on this issue ... As part of this mandate it should conduct a review of the state duty to protect human rights as determined by the internationally agreed Ruggie Framework and research what investor due diligence practices look like that would satisfy this state duty.”*

World Resources Institute: [A Roadmap for Integrating Human Rights into the World Bank Group](#), 2010

### **Companies and business organizations**

ANDI (Colombia Employers Organization): [Commitment of ANDI and its affiliates for the respect of human rights](#), 12 August 2010

Cerrejón: [Fifth Progress Report on Cerrejón’s Social Engagement Commitments Following the February 2008 Independent Third Party Review Panel’s Report](#), *“In 2009, the company decided to embark on the design of a larger, more comprehensive complaints mechanism following John Ruggie’s guidelines, which are founded on a rights-based approach to issues and process.”*

Danish Council on Corporate Social Responsibility, [Guidelines for sustainable supply chain management](#) (June 2010)

Equator Principles Association, [Letter to the International Finance Corporation on its Policy and Performance Standards Review and Update process](#), 28 July 2010: *“The EPFIs (Equator Principles Financial Institutions) would request the IFC consider the following: include*

language (or a specific brief human rights section) related to Government's Duty to Protect, and to the private sector's Responsibility to Respect Human Rights...; provide clear criteria when a Human Rights Impact Assessment (HRIA) may be required as a stand-alone assessment tool, and to...integrate human rights considerations into existing environmental and social assessment processes, when feasible."

ExxonMobil: [Participating in external initiatives](#): "We are examining how our systems compare to [the SRSR's] 2008 framework and expectations for corporate responsibilities."

Nestlé: [Human rights analysis](#): "In 2009, and in the light of the "Protect, Respect, Remedy" framework of John Ruggie, Special Representative of the UN Secretary General on Business and Human Rights... A comprehensive human rights analysis of Nestlé corporate policies and systems across eight functional areas was concluded in November 2009, and is now under discussion."

Phillips - Van Heusen Corporation: [2009 Corporate Social Responsibility Report](#): "Recognizing the importance of the United Nations' Framework on Business and Human Rights, we have benchmarked our program and aligned our efforts with the key elements of the Corporate Responsibility to Respect human rights".

UN Global Compact - Netherlands Network: [How to do business with respect for human rights: A Guidance Tool for Companies](#), June 2010

### **Multistakeholder initiatives**

Global Network Initiative: [Inaugural Report](#): "Our Principles, Implementation Guidelines and Governance, Accountability & Learning Framework take as their starting point universal, internationally-recognized human rights standards. The United Nations "Protect, Respect and Remedy" Framework... has also been a prime influence."

### **Investors**

Trillium Asset Management Corporation, Domini Social Investments LLC, Interfaith Center on Corporate Responsibility: [Investor Pressure Moves Toyota Affiliate to Divest from Joint Venture with Burmese Regime](#), 5 October 2010: "The corporate responsibility to respect human rights is becoming the international norm...Toyota's action to influence its affiliate to divest from Myanmar Suzuki Motor is a good example of its human rights commitment."

Adam M. Kanzer, Managing Director and General Counsel, Domini Social Investments LLC, Testimony to U.S. House of Representatives Committee on Financial Services: "[Investments Tied to Genocide: Sudan Divestment and Beyond](#)", November 30, 2010: "[The Framework] should provide useful guidance for Congress in considering how to improve SADA and more

*effectively address the genocide in Darfur and corporate human rights performance more generally.”*

### **Multilateral organizations**

ISO (International Organization for Standardization), [ISO 26000 – Social responsibility](#): *“Organizations have a responsibility to respect all human rights, regardless of whether the state is unable or unwilling to fulfil its duty to protect. To respect human rights means, in the first place, to not infringe the rights of others. This responsibility entails taking positive steps to ensure that the organization avoids passively accepting or actively participating in the infringement of rights. To discharge the responsibility to respect human rights requires due diligence.”* (Human Rights chapter 6.3)

OECD Guidelines for Multinational Enterprises Update [Terms of Reference](#): *“The update should develop more elaborated guidance on the application of the Guidelines to human rights, including if deemed appropriate, in a separate chapter of the Guidelines, drawing, in particular, on the work of the UNSRSG.”*

United Nations Commission on International Trade Law (UNCITRAL): [Report of Working Group II \(Arbitration and Conciliation\) on the work of its fifty-third session \(Vienna, 4-8 October 2010\) on transparency](#): *“The fact that United Nations organs, agencies and entities, including the Special Representative of the United Nations Secretary-General on human rights and transnational corporations and other business enterprises, were working to promote transparency and address legitimacy concerns arising from the investment dispute settlement system was said to illustrate transparency and inclusiveness as expressions of core United Nations values such as human rights, good governance and the rule of law.”*

### **Academic**

Chris Jochnick and Nina Rabaeus, [“Business and Human Rights Revitalized: A New U.N. Framework meets Texaco in the Amazon”](#), Suffolk Transnational Law Review, Symposium 2010, 33 Suffolk Transnat'l L. Rev. 413.

### **U.N. Special Procedures**

The Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Okechukwu Ibeanu, Report to the Human Rights Council, 12th Session (Mission report to Côte d'Ivoire and the Netherlands), [UN Document A/HRC/12/26/Add.2](#).

The Special Rapporteur on the right to food, Olivier de Schutter, Report to the Human Rights Council, 13th Session, [UN Document A/HRC/13/33](#).

The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, James Anaya, Report to the Human Rights Council, 15th Session, [UN Document A/HRC/15/37](#).

The Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque, Report to the Human Rights Council, 15th Session, [UN Document A/HRC/15/31](#).

The Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, Report to the General Assembly, 65th Session, [UN Document A/65/223](#).

### **Legal Organizations**

International Bar Association:

- [Lawyers as Leaders Video--Human Rights Module](#)
- [Response to the OECD Consultation on an Update of the Guidelines for Multinational Enterprises](#) (29 January 2010)

**For additional resources on the U.N. “Protect, Respect and Remedy” Framework, visit <http://www.business-humanrights.org/SpecialRepPortal/Home>.**