**Survey on the implementation of the Guiding Principles on Business and Human Rights:
The role of States as economic actors**

The present survey focus on the roles and responsibilities of States as economic actors, including with regard to business enterprises owned/operated/managed by the State, business enterprises in which the State is a majority shareholder or exercises substantial control, and financial institutions such as sovereign wealth or pension funds, development banks, export credit agencies and official investment and insurance guarantee agencies.

The survey relates to Guiding Principle 4 of the UN Guiding Principles on Business and Human Rights, which were unanimously endorsed by the Human Rights Council in 2011 (Resolution 17/4) and have become the authoritative global reference point for preventing and addressing adverse impacts on human rights arising from business-related activity.

Guiding Principle 4 clarifies that as part of their duty to prevent and address adverse human rights impacts arising from business activities, “*States should take additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State, or that receive substantial support and services from State agencies and official investment insurance or guarantee agencies, including, where appropriate, by requiring human rights due diligence.*” The commentary to that principle clarifies further that business enterprises owned or controlled by the State may in certain circumstances involve direct international human rights law obligations for the State in question, and that in all circumstances these enterprises are subject to the corporate responsibility to respect human rights. Key elements of this responsibility include a policy commitment to respect human rights throughout operations, human rights due diligence and addressing adverse impacts that may occur.

The State’s own human rights obligations are also directly implicated when the State contracts with business enterprises that provide services that may impact upon the enjoyment on human rights (e.g. privatized service delivery providers) or act as a purchaser of goods, through public procurement activities (see Guiding Principles 5 and 6). The present survey, however, focuses specifically on the requirements set out in Guiding Principle 4.

The survey follows on from previous surveys on implementation of the Guiding Principles conducted by the Working Group.[[1]](#footnote-1) The surveys aim to identifying progress and good practices in the implementation of the Guiding Principles.

**Questionnaire**

If the Government’s response is “yes” to any of the questions below, the Working Group would be grateful if further details, references or links to the relevant policy, legislation, regulation or documents could be appended, if possible. **Please send the response by 1 September 2015** to wg-business@ohchr.org.
Please use the following subject line in the email response: “[Country name] SURVEY 2015 Forum”. The Working Group will post responses on the web site of the 2015 Forum on Business and Human Rights[[2]](#footnote-2) unless respondents indicate that their submission should be treated confidentially.

**A. General update**

*(This information is sought to update findings from the Working Group’s 2014 survey.[[3]](#footnote-3) If the Government responded to this question in 2014 and there are no updates, this part can be skipped)*

1. Please indicate any specific steps taken by the State to implement the Guiding Principles on Business and Human Rights since they were endorsed by the Human Rights Council in June 2011.

Adoption of a National Action Plan in 2013 and implementation of the actions therein. Please see <https://www.rijksoverheid.nl/documenten/publicaties/2014/01/30/national-action-plan-on-business-and-human-rights>

1. Do these efforts include a plan to develop or update a State national action plan on Business and Human Rights (or another Government-lead plan to promote responsible business practice), and does such plan refer to the UN Guiding Principles and the guidance developed by the Working Group?[[4]](#footnote-4) If yes, please indicate:

Yes.

* 1. The Government department(s) taking the lead and involved in developing such plan and coordinating its implementation?

Ministry of Foreign Affairs took the lead in developing the plan and overseeing implementation. There are regular contacts with ministries responsible for different aspects of implementation.

* 1. Whether different stakeholders, including business associations and civil society organizations, have been involved in developing the plan, and whether there is an institutional platform for such engagement and participation?

Yes, all of these stakeholders have been consulted thoroughly. There is no institutional platform for such engagement, but there are extensive ad hoc contacts between the government and stakeholders.

**B. Business enterprises owned or controlled by the State**

1. Does the Government have policies and/or regulations and/or guidance in place that address the need for enterprises that are owned or controlled by the State to implement respect for human rights throughout their operations? If yes, do these include:

No specific policies targeting state-owned or controlled enterprises.

1. Requirements or expectations for State-owned enterprises to undertake human rights due diligence?
2. Provisions for human rights due diligence relating to activities in other countries/abroad?
3. Requirements to report on human rights risks and/or impacts, and if so on what issues?
4. Does the Government have any policies and/or regulations and/or guidance with regard to joint ventures involving the Government (e.g. in the extractive sector)? If yes, do these also apply to joint venture partners?

No specific policies.

1. Are publicly owned funds (e.g. pension or sovereign wealth funds) required or expected to include human rights risks in fund management criteria?

Not explicitly, but they are required to report annually on the way in which environment, climate, human rights and social relations are incorporated into their fund management criteria.

1. Do publicly owned or controlled financial institutions (e.g. export credit agencies, official investment insurance agencies or development finance institutions) have safeguard policies that refer to human rights? If yes, do they have human rights due diligence requirements for clients that benefit from financial or advisory support?

Yes, all of these agencies refer either to the OECD Guidelines, to the IFC Performance Standards, or both. Due diligence requirements are included in these policies.

1. Please indicate any other practices or lessons learned that the Government would like to share in relation to the human rights responsibilities of business enterprises owned or controlled by the State.
1. [www.ohchr.org/EN/Issues/Business/Pages/ImplementationGP.aspx](http://www.ohchr.org/EN/Issues/Business/Pages/ImplementationGP.aspx). [↑](#footnote-ref-1)
2. [www.ohchr.org/2015ForumBHR](http://www.ohchr.org/2015ForumBHR). [↑](#footnote-ref-2)
3. Available at: <http://www.ohchr.org/EN/Issues/Business/Pages/ImplementationGP.aspx> [↑](#footnote-ref-3)
4. The Working Group’s Guidance on National Action Plans on Business and Human Rights is available at:

 <http://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx>. This page also includes a list

 of countries that have developed national action plans or indicated plans to do so. [↑](#footnote-ref-4)