

**Open call for input: UN Working Group on Business and Human Rights’ report on
policy coherence in government action
to protect against business-related human rights abuse**

For States to be able to meet their duty to protect individuals and communities from business-related human rights abuse, they need to implement their international human rights obligations across various state departments and agencies as well as entities owned or controlled by the State. Ensuring policy coherence in government action is therefore critical to the effective implementation of the UN Guiding Principles on Business and Human Rights (the Guiding Principles).

As clarified by the Guiding Principles, ensuring policy coherence is one of the key measures States need to take to operationalize the State duty to protect.¹ Principle 8 sets out that: “States should ensure that governmental departments, agencies and other State-based institutions that shape business practices are aware of and observe the State’s human rights obligations when fulfilling their respective mandates....” Moreover, the Guiding Principles clarify that States should maintain adequate policy space to meet human rights obligations when pursuing other policy objectives, such as when attracting foreign investment (Principle 9); align the practice of multilateral institutions that deal with business-related issues (e.g. finance, investment and trade) with the Guiding Principles (Principle 10); and operationalize the State duty to protect across the various roles States play as economic actors (Principles 4-6).

In previous reports, the Working Group provided practical guidance on how States should meet human rights obligations by embedding respect for human rights in the management and operations of State-owned enterprises² and in the context of “economic diplomacy” (such as export credit, investment guarantees, export promotion, trade advocacy and participation in trade missions).³ The Working Group has also called attention to what States are expected to do to foster business respect for human rights through public procurement.⁴ Moreover, the Working Group has also highlighted the need for governments to ensure alignment between their efforts to implement the Sustainable Development Goals (SDGs) and implementation of the Guiding Principles, as respect for human rights is a key foundation for sustainable development for all.⁵

However, a lack of policy coherence in government practice remains widespread across regions and States are not leading by example in their own roles as economic actors. Experiences to date suggest that tensions can exist between different ministries/departments with conflicting mandates and agenda. This is often manifested in the lack of “horizontal policy coherence”, where departments and agencies, at both the national and subnational levels, that shape business practices – including those responsible for corporate law, investment, export credit and insurance, trade and labour as well as those in charge of areas such as natural resources and land management – are not sufficiently aware of or equipped to act in conformity with the State’s international human rights obligations.

¹ Principles 4-6 and 8-10.

² A/HRC/32/45

³ A/HRC/38/48

⁴ A/73/163

⁵ https://www.ohchr.org/Documents/Issues/Business/Session18/InfoNoteWGBHR_SDGRecommendations.pdf

Identifying practical ways of coordination and coherence building at the State level can contribute to helping address such challenges. The Working Group has previously highlighted that national action plans (NAPs)⁶ provide a useful policy tool to help strengthen policy frameworks to protect against business-related human rights abuses and an increasing number of States have developed or initiated processes to develop such NAPs.

In order to assist States further to meet their human rights obligations, the Working Group's report to the 2019 General Assembly will look at what can be learned from current efforts to **strengthen policy coherence in the context of the implementation of NAPs and other policy frameworks, such as specific chapters on business and human rights in national human rights action plans.**

In the process of preparing the forthcoming report to the General Assembly, the Working Group invites all Member States to provide inputs regarding questions listed below.

The Working Group will also convene a **multi-stakeholder consultation on 16 May 2019, 15:00-17:00, in room XII at the Palais des Nations, Geneva, Switzerland.**

Moreover, the report will take into account key observations from the UN Forum on Business and Human Rights and other events. The input received in response to this open call and insights gathered from the consultation will inform the Working Group's report.

Please email your response (maximum 3,000 words) to wg-business@ohchr.org **by 7 June 2019**. Kindly indicate "Inputs to UNWG GA74 report" in the subject line.

Unless indicated otherwise, the responses received will be posted on the Working Group's website in the language in which they are received.

⁶ The Working Group has issued guidance for States to support development of NAPs to advance implementation of the Guiding Principles https://www.ohchr.org/Documents/Issues/Business/UNWG_NAPGuidance.pdf

Questions

1. Has your Government made an explicit political commitment (e.g. in government programmes, strategic documents) to ensure policy coherence across government departments in line with the Guiding Principles? If yes, please provide information.
2. Has your Government operationalized the political commitment into a policy and institutional framework to promote business respect for human rights, (e.g. National Action Plan on Business and Human Rights or a chapter on business and human rights in a human rights action plan, or any other policy frameworks to promote responsible business conduct in line with the Guiding Principles)? If so, please indicate:
 - a) areas identified requiring specific attention to strengthen coordination;
 - b) specific mechanisms/structures to facilitate coordination and align actions of different ministries and policy areas to promote responsible business conduct (e.g. inter-ministerial groups, multi-stakeholder thematic working groups, inter-agency entities, etc.)?
3. Does the National Action Plan or other policy framework address the need for State-owned enterprises, trade and investment promotion entities (e.g. export credit agencies, special economic zones, etc.), and public procurement agencies to integrate respect for human rights specifically and promote responsible business conduct generally in relevant policies and operations? If yes, please provide information.
4. Where a coordination mechanism/structure exists, please describe the composition, role(s) and assigned responsibilities of the entities involved. What are some main experiences and lessons learned from this mechanism, including specific examples of how it has helped improve policy coherence to strengthen government action to promote responsible business conduct in line with the Guiding Principles?
5. Does the coordination mechanism/structure allow for the participation of representatives of other stakeholders, including business and civil society organizations? If so, please explain the modalities of such participation.
6. What is the role of the coordination mechanism/structure in monitoring the implementation and effectiveness of the policy framework to promote responsible business conduct and to ensure policy coherence across monitoring and evaluation efforts?
7. Does the Parliament play any role in overseeing the implementation of the policy framework/action plan to promote responsible business conduct? If yes, please explain how.
8. Does your Government build the capacity of staff working in governmental departments and agencies in charge of business and human rights-related issues? If yes, please clarify any relevant aspects, including training curricula, how often and by whom they are conducted.
9. Please indicate if any coordination mechanisms exist to promote implementation of the 2030 Sustainable Development Agenda. If so, is there any linkages made to encourage policy

coherence in promoting responsible business conduct in line with the Guiding Principles as part of the efforts to engage the corporate sector to contribute towards the Sustainable Development Goals?

10. Can you give examples of lesson learned from other areas that have helped enhance coherence between social or environmental policy implementation and policies focused on shaping business practice?