

Summary of the [report of the Working Group on Business and Human Rights to the General Assembly, October 2019 \(A/74/198\)](#)

“Policy coherence in government action to protect against business-related human rights abuses”

In its [report](#) to the UN General Assembly in October 2019, the [UN Working Group on Business and Human Rights](#) examines what policy coherence on business and human rights means in practice under the [UN Guiding Principles on Business and Human Rights](#). It proposes practical ways to enhance government’s capacity, ability and action to achieve this goal, based on lessons learned from the development and implementation of national action plans on business and human rights and other relevant policy frameworks. It also highlights opportunities to align implementation efforts and to encourage policy coherence when the commitments of the Sustainable Development Goals intersect with the business and human rights agenda.

Why is policy coherence important?

Examples of the harm caused by gaps and inconsistencies in the implementation and enforcement of relevant policy and legal frameworks are countless, and include labour-related abuses, discrimination, environmental damage, forced evictions and land rights violations, and intimidation of human rights defenders. Regulatory gaps are often accompanied by the lack of operational guidance across State departments and agencies that shape business practice or interface with business, as well as entities owned by the State. Human rights defenders, women and girls, indigenous peoples, workers in low-wage sectors and migrant workers are among groups at heightened risk and often disproportionately affected by business-related abuse. Inconsistent design or application of regulations that result in inadequate action by businesses to identify, prevent, mitigate and account for the negative human rights impacts they may be involved in add to the vulnerability of groups at risk. Their vulnerability is often compounded by multiple barriers to access to an effective remedy.

The Working Group’s report calls attention to and provides guidance on States’ obligations under Guiding Principle 8 as a key element of the implementation of the “Protect, Respect and Remedy” Framework that the UN Guiding Principles build on.

«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, **including by providing them with relevant information, training and support.**» Guiding Principle 8.

Compelling reasons for governments to strengthen policy coherence

A legal obligation: the State has a duty to protect against human rights abuses. Policy coherence is instrumental to operationalize this obligation into actual protection by ensuring State and government's departments and agencies – at both the national and subnational levels – that shape business practices are aware of and equipped to act in conformity with the State's international human rights obligations.

Leading by example: policy coherence is an essential element to ensure that the State leads by example in its role as an economic actor, including as buyer, owner, investor and trade promoter, and an essential measure to strengthen the prevention of business-related human rights abuses.

Predictability and credibility: coherence is critical with regard to how the government communicates externally on national business and human rights policies. Business benefits from a clear and unambiguous assertion of what the government expects of businesses across their operations within and across borders, providing predictability and credibility across all parts of the government.

Suggested measures for State action

In order to help States to translate the concept of policy coherence into concrete government action to protect against human rights abuses by businesses, the Working Group's report suggests a range of measures, based on lessons learned from the development and implementation of national action plans on business and human rights and other relevant policy frameworks. These measures include:

- **High-level political support, commitment and leadership** at the highest level to promote the effective implementation of the Guiding Principles on Business and Human Rights, particularly throughout the development and roll-out of national action plans, and to ensure effective oversight and accountability.
- **Meaningful participation from the start** of all government entities and the meaningful participation of key stakeholders in the development of national action plans/relevant policy frameworks as an opportunity to

foster cross-governmental communication, broad buy-in and a common understanding of the challenges and tasks ahead.

- **Adequate funding, resources and capacity** to ensure that policy directives are accompanied by adequate practical guidance on how government entities/agencies should discharge their human rights duties, as well as adequate State funding for the actions of relevant ministries/agencies.
- **Training and awareness-raising** to build knowledge of business and human rights standards across State and government officials to embed protection and respect for human rights, and to ensure that knowledge and understanding of the Guiding Principles are disseminated, embedded and maintained across all State functions.
- **Information and knowledge management** to provide government officials with practical guidance on how to discharge their duties and to ensure that all government entities “speak the same language” when they interact with businesses, including on how to carry out human rights due diligence in practice.
- **Monitoring and reporting** to comprehensively and proactively assess the State’s performance in meeting its international human rights obligations on business and human rights, including through meaningful dialogue and engagement with multi-stakeholder-led monitoring and evaluation initiatives.
- **Aligning the implementation of the business and human rights agenda with the Sustainable Development Goals** by breaking “institutional silos”, fostering coordination and ensuring complementarity of efforts in the implementation of national action plans on business and human rights with the Sustainable Development Goals, based on dialogue and partnership.

The Working Group’s report elaborates on all these measures, and offers additional suggestions related to how to operationalize the concept of policy coherence in practice.

Selected examples on how to operationalize the concept of policy coherence

National action plans (NAPs) should represent a living documents with specific, measurable, achievable and time-bound implementation criteria, impacts should be assessed regularly, and content reviewed and updated accordingly to ensure policy coherence and coordinated actions to address business related human rights abuses.

State-owned enterprises (SOEs) should fully integrate a commitment to respect human rights in policy frameworks and throughout their operations and governance structures, and deliver on human rights commitments as role models for the implementation of the UN Guiding Principles, including through effective human rights due diligence. See more on SOEs leading by example [here](#).

Public procurement laws and policy should be coherent and be accompanied by practical guidance on how the State's obligation to protect human rights is to be operationalized by public procurement entities. Human rights risk management should be fully integrated into criteria for awarding contracts and in guidance materials. The latter should include the steps required to conduct risk assessments and adopt appropriate measures at each stage of the procurement process.

Export and trade promotion entities should require businesses to demonstrate a commitment to the UN Guiding Principles as a prerequisite for receiving State support and benefits related to trade and export promotion, including participation in trade missions and eligibility for trade advocacy. For more actions on how States should use trade and economic diplomacy to incentivize business respect for human rights see [here](#).

Alignment with the Guiding Principles in the context of advancing the SDGs: the most powerful contribution by business to sustainable development is to embed respect for human rights across their value chains. When governments partner with business to achieve the SDGs, they must ensure that their partners have taken demonstrable steps to embed respect human rights across their operations: business respect for human rights is not a choice, it is a responsibility. For more on the Working Group's recommendations on how to connect SDGs implementation with the Guiding Principles, see [here](#).

What now?

The Working Group calls on States to **“walk the talk”** in preventing and addressing business-related human rights impacts through appropriate actions to foster responsible business conduct. In fulfilling their duty to protect, operational capacity should be grounded in clear guidelines and established methodologies that are rigorously used, enforced and monitored in practice. Accountability across all relevant government entities, including at the local and subnational level, is critical.

Initiatives to address policy coherence gaps, such as through national action plans, should not remain a “tick-box” exercise, but rather serve as a catalyst for change, including regarding effective mandatory measures for companies to respect human rights such as human rights due diligence requirements.

The Working Group's report on policy coherence (A/74/198) is available in all UN languages at : <https://undocs.org/en/A/74/198>