REFERENCE: SPB/SHD/MCS/ff

**QUESTIONNAIRE FOR STATES: NATIONAL ACTION PLANS ON BUSINESS AND HUMAN RIGHTS**

States are invited to complete this questionnaire in order to provide the UN Working Group on the issue of human rights and transnational corporations and other business enterprises with key background information to help it to undertake its mandate.

The Working Group was established by the Human Rights Council pursuant to its resolution 17/4 in

2011. The Human Rights Council requested the Working Group, among other things, to promote the effective and comprehensive dissemination and implementation of the “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework”; to identify, exchange and promote good practices and lessons learned on the implementation of the Guiding Principles; and to support capacity-building and, upon request, provide advice and recommendations.

The Guiding Principles on Business and Human Rights were unanimously endorsed by the Human Rights Council in 2011 (A/HRC/RES/17/4) and have become the authoritative global reference point for preventing and addressing adverse impacts on human rights arising from business-related activity.

This questionnaire is aimed at getting up-to-date and accurate information about existing policies, legislation, initiatives and plans by States to inform the Working Group’s effort to develop guidance to support the development of national action plans for implementation of the Guiding Principles. The policy areas highlighted in this questionnaire are among those that the Working Group considers especially critical to effective implementation of the Guiding Principles.

The Working Group kindly requests that States provide their input by responding to the questionnaire to [wg-business@ohchr.org](mailto:wg-business@ohchr.org) by 30 June 2014. The Working Group will treat information received from States confidentially unless the State authorises the Working Group to share answers in public in its reports and on its website dedicated to national action plans, <http://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx>.

***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.***

***Contact information and disclosure***

***1. Please kindly include any relevant contact details in case the Working Group has follow up questions****.*

[Ruth.Willis@fco.gov.uk](mailto:Ruth.Willis@fco.gov.uk)

**2. *Please confirm whether the Working Group may include the government’s name in the list of respondents****.*

Yes

***3. Please indicate whether the information submitted by the government may be referred to in public or whether it should be made anonymous.***

Yes, we confirm it can be shared in the public domain.

**National action plans on business and human rights**

4. ***Has the government taken steps to implement the Guiding Principles on Business and Human Rights since they were endorsed unanimously by the Human Rights Council in June 2011?***

Yes

The UK Action Plan includes the negotiation and agreement of the OECD 2012 Common Approaches, including a requirement for Export Credit Agencies (ECAs) to take into account not only potential environmental impacts but also social impacts, which is defined to include “relevant adverse project-related human rights impacts. “The OECD 2012 Common Approaches” also require ECAs to “consider any statements or reports made publicly available by their National Contact Points (NCPs) at the conclusion of a specific instance procedure under the OECD Guidelines for Multinational Enterprises.” UKEF, which is the UK’s Export Credit Agency applies the OECD 2012 Common Approaches.

***5. Do these efforts include a plan to develop or update a State national action plan on Business and Human Rights and/or on the implementation of the UN Guiding Principles? If no, please continue to Question 6.***

Yes. The UK Action Plan ‘Good Business - implementing the UN Guiding Principles” was launched in September 2013 by the Foreign Secretary and Business Minister. We are committed to review it in 2015 and report on progress in the Annual FCO Human Rights Report.

***a. If yes, and if the national action plan has been made public, please provide the links to any relevant documents.***

UK National Action Plan: <https://www.gov.uk/government/publications/bhr-action-plan>

FCO Annual Human Rights Report: [htt p://ow.ly/w6XsW](http://t.co/YO2I40ceN8)

Scotland’s National Action Plan – (SNAP): <http://www.scottishhumanrights.com/actionplan/betterworld> and <http://www.scottishhumanrights.com/actionplan/readfullreport>

***a. If yes, or if there are plans to develop a national action plan to implement the Guiding Principles, which committee, department or government agency is responsible for overseeing these efforts?***

The Foreign & Commonwealth Office (FCO) and Business, Innovation and Skills Department (BIS) jointly lead on the implementation of the UK National Action Plan in collaboration with a Steering Group made up of key Government Departments.

***a. If the Government is developing or updating a national action plan, when is this information expected to be made public?***

This was launched and presented to Parliament in September 2013 and available on the Government website.

**Alignment of existing CSR frameworks with the Guiding Principles**

***6. Are there specific national Corporate Social Responsibility (CSR) policies, programmes or regulation?***

Yes, a number of UK Government policies and programmes influence the actions that businesses take with regard to corporate responsibility, including in particular on company reporting.

Over the summer of 2013, the Department for Business, Innovation and Skills held a consultation on corporate responsibility –

<https://www.gov.uk/governemnt/uploads/system/uploads/attachment_data/file/209219/bis-13-964-corporate-responsibility-call-pdf>

The response noted that, because of the voluntary, evolving and diverse nature of corporate responsibility, successful realisation of corporate responsibility in the UK relies on a business-led approach.  That is to say it is not for Government to set out what companies should do but rather it is something best left to businesses to determine for themselves.

There are several non-Government bodies in the UK that have successfully brought business and NGOs together to develop action plans and other initiatives.  These include Business in the Community ([www.bitc.org.uk](http://www.bitc.org.uk)), which includes over 600 “premier” members that includes many of the UK’s largest companies.  The Government also supported the start up costs for [www.tradingforgood.co.uk](http://www.tradingforgood.co.uk), an online tool specifically designed to help small businesses publicise the good work they do under CSR in their local communities.  The Government has also supported the launch of the Institute of Corporate Responsibility and Sustainability (<https://icrs.info/>), a business-led initiative that brings together CSR practitioners as a profession, with accredited training and knowledge sharing.

Given the progress made by business in the UK to integrate CSR into core business strategies, the lack of demand from NGOs and business for Government to take a leading role, and thus that there is no perceived market failure in getting businesses to do more CSR, the UK Government has decided not to produce a national action plan on corporate responsibility, instead focussing on business and human rights as a specific element of CSR.

***a.       If yes, do these documents specifically reference human rights issues and, if so, which issues are referenced?***

Government policies on CSR typically do not reference specific human rights, rather they invite companies to consider the wider impacts of their operations. Business-led initiatives focus on specific rights, notably labour rights and the avoidance of exploitative working practices.

***b.  Who leads on CSR policies within the Government and who is involved in developing them?***

Overall lead responsibility for corporate responsibility rests with the Department for Business, Innovation and Skills (BIS).

***7. Do government CSR programmes, policies or regulation refer explicitly to the Guiding Principles on Business and Human Rights?***

The policy document *Good Business: Implementing the UN Guiding Principles on Business and Human Rights* is the national Action Plan for Business and Human Rights. There is no separate CSR policy, for the reasons stated above.

***a. If yes, which ones and how are the Guiding Principles referenced?***

The Guiding Principles form the basis of the document, which is structured around the three pillars of the State duty to protect human rights; the corporate responsibility to respect human rights; and access to remedy.

**b. *If no, is the Government planning to align existing corporate social responsibility programmes, policies and regulation with the Guiding Principles?***

N/A

***Reporting and corporate governance requirements***

***8. Has the Government ever put out a policy or set other expectations regarding company reporting on how they address potential and actual adverse human rights impacts as per the Guiding Principles?***

Yes. These expectations are set out, in broad terms in the UK Companies Act, which requires directors to have regard to a range of issues, and specifically in the Business and Human Rights Action Plan which specifically references the Guiding Principles.

Government expectations of business, including Private Security Companies and oil, gas and mining companies are set out in the Action Plan.

***a. If no, do you provide guidance on a specific sub-set of human rights issues, for example, labour or land rights? Indicate which and the specific standards companies are expected to follow.***

N/A.

***9. Are there any guidelines in your country to encourage business enterprises to report on their human rights risks and impacts?***

In addition to the list of guidance provided at the end of the questionnaire, and the mandatory reporting requirements covered in question 10, we recognise the main international, voluntary principles and guidelines on corporate social responsibility that include human rights, chiefly: the United Nations Global Compact, the OECD Guidelines for Multi-national Enterprises and the ISO 26000 Guidance Standards.

***a. If yes, how many companies typically do so?***

The government does not maintain a central record of companies making voluntary disclosure or signing up to business-led initiatives. However, the UN Global Compact itself does maintain a database of participants which shows that 324 entities from the UK have signed up to the Compact as at 18 July 2014, of which 239 were businesses.

***10. Does the country have any laws that require companies to report on their human rights risks and impacts?***

Yes. Section 414 of the Companies Act 2006 sets out the requirement for quoted companies to report on human rights as part of their duty to provide a strategic (non-financial) report on an annual basis where it is necessary for an understanding of the business (section 414C (7)(iii) refers –

<http://www.legislation.gov.uk/uksi/2013/1970/pdfs/uksi_20131970_en.pdf>

This requirement will shortly be strengthened further. The UK has played a leading role in negotiating tough, but practical, EU-wide human rights disclosure requirements which will take effect from 2016 across all EU Member States. For large listed companies, we will have some of the strongest human rights disclosure requirements in the world.

The 2016 regulations will require Public Interest Entities with over 500 employees to report “to the extent necessary for an understanding of the undertaking’s development, performance, position and impact” on the undertaking’s respect for human rights. Public Interest Entities include listed companies, credit and insurance undertakings and others designated as such by Member States using criteria such as the number of employees, economic importance, nature of the business, etc.

The report will include a brief description of the business model, a description of the human rights policy pursued (including, where they exist, any due diligence processes implemented), results of the policy, principal risks related to these matters linked to the business’ operations (including where relevant and proportionate to its business relationships, products and services which are likely to cause adverse impacts in those areas and how the business manages those risks) and non-financial KPIs relevant to the particular business. These requirements are aligned to the UN Guiding Principles on Business and Human Rights.

***11.******For all of the above, if these policies, guidelines or laws exist, do they apply to all companies or only to certain types of companies (i.e. State-owned enterprises, listed companies etc.)?***

Existing human rights disclosure requirements apply to listed companies with a limited exemption for small businesses as described under section 414b of the Companies Act.

The enhanced requirements due to come in to force in 2016 will apply to Public Interest Entities as described above.

***12****.* ***For all of the above, did the government consult with business enterprises, civil society, investors or other stakeholders in developing these policies, guidelines or laws?***

Yes, the Government consulted widely with all key stakeholders (businesses and civil society) in this and in the development of the Action Plan

***13. Is commitment to respecting human rights an explicit or implied requirement at incorporation or when companies are listed in the stock exchange?***

Yes.

Section 172 of the Companies Act 2006, which described the duties of company directors, specifies that:

“A director of a company must act in the way he considers, in good faith, would be most likely to promote the success of the company for the benefit of its members as a whole, and in doing so have regard (amongst other matters) to (a) the likely consequences of any decision in the long term, (b) the interests of the company’s employees, (c) the need to foster the company’s operations on the community and the environment, (e) the desirability of the company maintaining a reputation for high standards of business conduct, and (f) the need to act fairly as between members of the company.”

This requirement applies to the directors of any company, of whatever size.

***Public procurement***

***14. Has the government taken steps to integrate human rights considerations into public procurement frameworks and processes?***

Yes. All public procurement must be carried out in accordance with the principles of the Treaty of Rome and the requirements of the EU Public Procurement Directives.

This legal framework requires contacting authorities to comply with the principles of non-discrimination, equal treatment, transparency, procedural fairness and proportionality.

Economic operators are also required to comply with all applicable law in the provision of their goods and services, which in the case of the UK, includes the requirement to comply with The Human Rights Act 1998.

Additionally, the decision making process for public procurement of services (but not goods or framework agreements) must include social considerations.

The Public Services (Social Value) Act 2012

<http://www.legislation.gov.uk/ukpga/2012/3/enacted> requires that public authorities should have a regard to the economic, social and environmental well-being in connection with public services contracts. Further information can be found in Cabinet Office guidance: <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/79273/Public_Services_Social_Value_Act_2012_PPN.pdf>

Specific measures for private security companies

When contracting services from private security companies, our Pre Qualification Questionnaires (PQQ) provides for an International Code of Contact (ICOC) selection criteria as part of the short listing process. Our tender documentation then also includes a full copy of the ICOC as part of our requirements and tenders are specifically required to comply with this as an award criteria as part of our contract terms and conditions.

***15. Does the government have human rights due diligence requirements for public procurement?***

Yes.

***a. If yes, please indicate in which areas (e.g. child labour, forced labour and freedom of association; gender discrimination; migrant labour; land; free, prior and informed consent), sectors or categories (e.g. privatised delivery of public services)?***

Contracting authorities may on a case by case basis specify due diligence requirements in any of the areas described above where they relate to the subject matter or performance of the contract.

Additionally contacting authorities and economic operators are required to comply with the requirements of the Public Sector Equality Duty (“the Duty”) which encompasses all of the characteristics (such as race, disability and gender) protected under the Equality Act 2010.

The Duty requires public bodies to have due regard to the need to:

* Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
* Advance equality of opportunity between people from different groups; and
* Foster good relations between people from different groups.

The applicable legislation (The Public Contracts Regulations 2006 (Regulation 23) also provides that a contracting authority may treat as ineligible [to bid] or decide not to select an economic operator on the grounds that the economic operator has committed an act of grave misconduct in the course of its business or profession.

At the devolved level, the Scottish Deputy First Minister made an undertaking in the debate on the recent procurement bill that the Scottish Government intends to use guidance which will support implementation of the legislation to identify and explain how to best reflect the UNGPs within public procurement processes in Scotland.  This should be seen as contributing to the wider UK effort through appropriate action in a devolved context.

Stage 3 debate on the Procurement Reform (Scotland) Bill, Scottish Parliament, 13 May 2014 (<http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9171&mode=pdf>)

Nicola Sturgeon (Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities) stated: “I can give an assurance … that we see the development of guidance as an important opportunity to identify and explain how the UN guiding principles are best reflected in our procurement processes.”

The UK recognises the importance of a Business and Human Rights Approach to mega-sporting events and built on lessons learned from the 2012 experience of the London Organising Committee of the Olympic and Paralympic Games (LOCOG). It developed a process informed by the UNGPs to deal with complaints and grievances related to the application of its Sustainable Soucing Code by commercial partners, particularly in relation to labour conditions at factories, supplying sponsors, licensees and suppliers.

“Beyond the games: Living the Values – Humanity, Equality, Destiny” Commonwealth Games Event in Glasgow, Scotland at which the Scottish Minister for External Affairs and International Development delivered the keynote address. Action in this area links to, and builds on, the commitment in the UK Action Plan to the London 2012 legacy, and reflects a broader recognition of the importance of mainstreaming human rights within the planning and delivery of mega-sporting events.

Please see attached link to: The Glasgow 2014 Organising Committee’s

[approach to human rights](http://www.glasgow2014.com/sites/default/files/documents/Glasgow%202014%20-%20approach%20to%20human%20rights%20-%20December%202013.pdf)

which includes references to procurement.

**Publicly owned or controlled enterprises**

***16. Are State-owned enterprises required to report on human rights risks and/or impacts?***

Yes, to the extent that they have such obligations by reason of their status for example as a listed company. There are no additional requirements faced by state owned enterprises, because the state seeks to act as an arms-length shareholder in these entities.

a. If yes, what issues are these enterprises required to report on?

The reporting requirements are those described under questions 6 to 13.

17. ***Do publicly owned or controlled financial institutions (e.g. export credit agencies or development banks) have safeguard policies that refer to human rights?***

Yes.

***a. If yes, do they have human rights due diligence requirements for activities or clients that benefit from financial or advisory support?***

UKEF applies the OECD 2012 Common Approaches and undertakes environmental and social, including human rights, due diligence reviews, as set out in the OECD 2012 Common Approaches.

***b. If yes, what issues or spectrum of issues are these enterprises required to report on?***

UKEF applies the OECD 2012 Common Approaches which requires for all cases classified as A that UKEF makes publicly available environmental and social, including human rights where relevant, impact information. As set out in the OECD 2012 Common Approaches UKEF requires the buyer and/or project sponsor to make this information publicly available and UKEF provides a category A web notice with a link to the buyer and/or project sponsor website where the environmental and social impact information can be found.

<http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=TAD/ECG%282012%295&doclanguage=en> and related requirements are aligned to the UN Guiding Principles on Business and Human Rights.

***Companies operating abroad***

***18. Have embassies abroad received explicit instructions from the government to raise or advise on the human rights risks and impacts of businesses domiciled in its own jurisdiction that are operating abroad, as per the Guiding Principles?***

We have instructed our embassies on good practice on Business and Human Rights, including producing a Government toolkit on How to do Business and Human Rights, organised a network conference for all staff across the diplomatic network, including our overseas missions, and training for all those FCO and UKTI staff who require human rights knowledge and skills to do their jobs more effectively .

We have instructed our embassies UK companies to discuss the Voluntary Principles and provide support on managing human rights risk.

**19**. ***Is there any requirement for companies to report whether they have due diligence procedures (e.g. human rights impact and risk assessments) in place to address and manage human rights impacts of subsidiaries, joint ventures or other commercial interests abroad?***

Yes, Please see response to Question 10 about Companies Act.

**Licensing**

***20. Do any environmental and social impact assessments that companies need to submit in order to obtain an environmental or operating license include specific questions on social and human rights impacts?***

Yes. An assessment of social or community impact, for example of a development project, will clearly need to consider the social impacts of the project. The issues covered are relevant to the human rights of members of the local community, although typically the way the questions are framed will not use the language of human rights. For example, possible adverse impacts on health will be considered as ‘Health and Safety’ rather than the ‘Right to Life’.

**a. If yes, what spectrum of issues?**

The main issues considered under social impact assessments will be the mental and physical health of the local population, community development and the provision of shared facilities, education, transport and housing especially affordable housing for rent.

**b. If no, why not?**

**Investment policy**

***21. Does the process of preparing for and negotiating international investment agreements (BITs, FTAs or Economic Partnership Agreements with investment provisions) include consultation with either:***

**a. those government ministries/agencies/institutions (including national human rights institutions) that would be informed about the State's international human rights obligations and the Guiding Principles’ pillar on the corporate responsibility to respect human rights;**

Yes (please see below)

b. **other stakeholders who could inform the State about the relevance of human rights obligations to IIAs?**

Yes (please see below)

**c. *None of the above*.**

N/A

The Department for Business, Innovation and Skills and the Department for International Development’s joint Trade Policy Unit (TPU) is responsible for policy on negotiating BITs, FTAs and EPAs, including where these negotiations are conducted by the European Commission on behalf of Member States.  As a matter of course, the TPU consults other Government departments and agencies which have a policy interest in these draft agreements throughout the negotiating cycle, including on human rights, and will factor their views into the overall approach as appropriate.  Similarly, the TPU consults regularly through a variety of formal and informal channels with a diverse range of external stakeholders, including those concerned with human rights issues.

22. ***Is the team responsible for negotiating State-investor contracts with inward investors informed by:***

***a. those government ministries/agencies/institutions (including national human rights institutions) in charge of following up on the State's international human rights obligations and the Guiding Principles’ pillar on the corporate responsibility to respect human rights;***

Yes, a.

The agency responsible for negotiating State-investor contracts, where these exist, is UK Trade and Investment. This is a joint agency of the two government departments, BIS and the FCO, who are responsible for fulfilling the UK’s commitment to the Guiding Principles. It is worth noting however that the majority of inward investments take place without any contract between the investor and the State. Investors establish their local enterprise and meet their obligations under UK law, including the obligations mentioned previously in this response. A contract may exist where the inward investor has received grant funding. In this case, the contract will cover the terms of the grant and the investor’s undertakings, for example as regards job creation.

or

***b. potential negative human rights implications of the proposed investment, including by human rights impact assessments performed;***

N/A

c.None of the above.

N/A

***23. Is the State policy on investment informed by the Guiding Principles on Business and Human Rights in:***

***a. promoting inward investment?***

Yes, to the limited extent described above. Domestic and inward investors are treated equally under the law and are subject to the same safeguards and obligations with regard to Human Rights.

***b. supporting “home” business enterprises to invest abroad?***

The government provides assistance and advice to UK companies exporting and investing overseas through UK Trade and Investment (UKTI). Advisers from UKTI will make companies aware of Human Rights risks in specific markets. The Overseas Business Risk service is an online facility that provides an analysis of a range of risk factors in selected countries, including Human Rights.

**Alignment of international development and assistance agencies**

24. **For donor countries: are business and human rights considerations integrated in your development assistance policies?**

Yes

***If yes, are any of the following options included (please indicate which ones, and include others if relevant):***

general training

*training of prosecutors and judges*

*training of government agencies and personnel that oversee environmental and social licensing training of small and medium enterprises*

*national and local multi-stakeholder dialogues*

*victim reparation funds*

*empowerment of local NGOs that monitor corporate conduct*

*empowerment of NGOs that work with governments and business as well as victims*

*documentation of cases and best practices*

*review and formulation of national action plans – yes*

*OECD National Contact Points*

Outline of Development priorities for 2015 – speech by DFID Minister Justine Greening:

(<https://www.gov.uk/government/speeches/justine-greening-beyond-aid-development-priorities-from-2015>).

The UK’s development assistance includes consideration of business and human rights issues. Through the UK’s G8 Presidency, the Prime Minister championed three key issues: tax, trade and transparency. We deliver through interventions that are relevant to specific contexts. For example, our support to transparency includes programmes on land transparency , and in the extractives sector.  In July 2014, the UK committed £20 million to a new Land Governance for Economic Growth programme to support action to strengthen and protect land rights, improve information and knowledge and strengthen the transparency of and environment for private sector investment. We are already strengthening land and property rights for the poorest, particularly for women and girls. In Rwanda, DFID has supported 3 million people, half of them women, to gain formal rights to their land.

In July 2014, the UK committed £34million programme to increase the transparency and accountability around the extractives industries in resource-rich countries, including Tanzania, Nigeria, Burma and the Democratic Republic of Congo. This programme will ensure citizens, the media and investors can see exactly what revenues governments are receiving from extractives resources and where this money is being spent. We’ll also be helping to develop new technology so citizens can easily access user-friendly data on extractives. We also committed £7million in the African Legal Support Facility, which provides high quality commercial and pro-bono international legal advice to African governments and law firms. Over the next three years, this investment will help African Governments to negotiate better oil, gas, mining and infrastructure deals. It will also provide training to local African law firms.

Following  the Rana Plaza disaster in April 2013, the UK has consistently urged all those involved in the garment sector in Bangladesh to take responsibility and come together to transform working conditions in garment factories in Bangladesh, including actively encouraging  UK companies to contribute to victim reparation funds. The UK is also providing rehabilitation support for victims of garment-sector disasters like Rana Plaza, including training and help with new livelihoods.

The UK provides support to the Ethical Trading Initiative (ETI), which facilitates multi-stakeholder dialogue in high risk sectors in priority countries. The UK National Contact Point for the OECD Guidelines has provided advice to emerging NCPs in a number of countries, including governance mechanisms and grievance procedures.

***Alignment of development policies***

***25. Do national and local development plans reference the Guiding Principles on Business and Human Rights to identify and address potential adverse human rights impacts of government-led policies and programmes?***

Yes.

Under the Responsible, Accountable and Transparent Enterprise (RATE) programme:

DFID will provide £21.8m from July 2014 to March 2019 to ensure that businesses are diligent in managing the social and environmental implications of their actions and are accountable for the consequences for poor people. We refer to enterprises’ social and environmental risk management, their transparency, openness to participation, and accountability to people and communities as ’responsible business’. This is a composite programme that will provide for engagement across a spectrum of responsible business interventions, enabling DFID to exercise its leadership and leverage at international, national and sectoral levels. The programme is designed to support responsible business programmes across the organisation, including Country Offices.

***26.      Does funding from national development banks/financial institutions require recipients to conduct due diligence on human rights risks and impacts?***

The UK’s Development Finance Institution, CDC, refers to the UN Guiding Principles in its Code for Responsible Investing (link via <http://www.cdcgroup.com/How-we-do-it/Responsible-Investing/ESG/>)

**Judicial remedy**

***27. Can corporations be held criminally liable for human rights abuse under the country’s applicable laws? (If so, have any such cases been brought before national courts?)***

Many criminal offences in UK law are capable of being committed by companies.  These criminal offences cover conduct which could amount to a ‘human rights abuse’ depending on how that term is defined.  For example, we have a statutory corporate manslaughter offence and there have certainly been successful prosecutions of companies for a range of offences which might be seen as amounting to human rights abuses.

***28. Do the country’s courts permit filing cases against corporations for alleged human rights abuses that were committed abroad (criminal or civil cases)? (If so, have any such cases been brought before the courts?)***

They do.  As regards criminal cases, this will depend on the extent to which the criminal offence applies extra-territorially.

As far as civil cases are concerned, whether English courts can hear a civil tort claim based on alleged human rights abuses committed abroad will depend on whether the court has jurisdiction    Where the company is domiciled in the EU, jurisdiction is governed by the European Regulation on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters.  Where the company is domiciled in a country which is a party to the Lugano Convention, jurisdiction is governed by the Civil Jurisdiction and Judgments Act 1991.  Broadly speaking, where the Regulation or Convention applies, in all tort matters the defendant may be sued either where he is domiciled or in the country where the harmful event occurred, which has been construed as the place where the wrongdoing occurred or the place where resulting damage ensued.  There is a separate question as to what the applicable law will be governing those claims.

***29. Does the government provide assistance (financial or otherwise) to victims of alleged business-related human rights abuses who seek judicial remedy through the court system?***

There are mechanisms for the provision of legal aid, facilitating access to the court system, in: England and Wales, through the Legal Aid Agency; Scotland, through the Scottish Legal Aid Board; and Northern Ireland, through the Northern Ireland Legal Services Commission. Legal aid can consist of: legal help (advice on rights and paperwork); help at court; family mediation; or legal representation.

In order to access legal aid for civil matters, including alleged business-related human rights abuses, a person’s income and capital must be within specified limits (means test) and their case needs to have a reasonable chance of winning (merits test).

In England and Wales, the matter must also be within the scope of the legal aid scheme, as set out in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). However, legal aid can be granted in certain circumstances where a case is excluded from the scope of the civil legal aid scheme, but where failure to provide legal aid would breach the applicant's rights under the European Convention on Human Rights or EU law (or, in the light of the risk of a breach, it is appropriate to provide legal aid).

***Non-judicial remedy***

***30. Does the government provide support for non-judicial grievance mechanisms (e.g. OECD National Contact Points if applicable) that afford access to remedy to victims of adverse business-related human rights impacts?***

Yes.

**a. If yes, are there incentives for companies to participate in non-judicial grievance mechanisms?**

The UK maintains a National Contact Point (NCP) for the OECD Guidelines. The UK NCP publishes and circulates to Parliament and other stakeholders (eg. UK Export Finance) its Final Statements on complaint, and so there is a reputational incentive for enterprises to participate, as well as the potential to resolve issues through mediation supported by the NCP.

***31. Does the national human rights institution facilitate dispute resolution, investigations or monitoring in cases of alleged business-related human rights abuse?***

Our National Human Rights Institutions (NHRIs) include the Equality and Human Rights Commission (EHRC), the Scottish Human Rights Commission (SHRC) and the Northern Ireland Human Rights Commission (NIHRC). They together with the Equality Commission for Northern Ireland monitor the executive’s compliance with human rights at UK and devolved level.

Each of our NIHRIs have very similar but slightly different powers under the legislation that governs them. The EHRC has a statutory duty under s.9 Equality Act 2006 to promote awareness, understanding and protection of human rights; the SHRC has a similar statutory duty under s.2 Scottish Human Rights Commission Act 2006203, as does the NIHRC, under s.69 Northern Ireland Act 1998.

The EHRC does not facilitate dispute resolution but can intervene in human rights proceedings taken by others, including in the European Court of Human Rights (see

<http://www.equalityhumanrights.com/legal-and-policy/at-the-commission/legal-powers/legal-intervention-on-religion-or-belief-rights-2011>).

It also carries out inquiries into business related areas, such as the “Inquiry Into The Meat And Poultry Processing Sectors”- see:

( <http://www.equalityhumanrights.com/legal-and-policy/our-legal-work/inquiries-and-assessments/inquiry-into-the-meat-and-poultry-processing-sectors>).

The SCHC has powers to conduct inquiries into the policies or practices of Scottish public authorities; to enter some places of detention as part of an inquiry and to intervene in civil court cases where relevant to the promotion of human rights and where the case appears to raise a matter of public interest. While the NIHRC has the power to support people who wish to take a human rights issue to court, but applies a strict criteria when deciding which cases to support.

The EHRC can also assist or intervene in Equality Act cases and bring in human rights considerations. An example, might be the Coleman and Attridge case in relation to associative discrimination which examined family rights.

***32. Are any other agencies or government departments involved in promoting or supporting dispute resolution between companies and consumers, workers or local communities?***

Yes. The Advisory, Conciliation and Arbitration Service (ACAS) provides training, workplace projects, conciliation and mediation. Although its main focus is on relationships between businesses and employees, ACAS will also undertake mediation in other disputes, or assist the parties in a dispute to find a privately-run mediation and arbitration service.

The government funds (but does not control) the Citizens Advice Bureau (CAB) one of the UK’s largest charities. This offers a first port of call to members of the public who find themselves in dispute whether with a company or with a public sector agency. CAB volunteers assist members of the public with a wide range of issues including debt, consumer issues, redundancy or employment disputes and State benefits.

***Multi-stakeholder initiatives***

***33. Does the government participate in one or more multi-stakeholder initiatives relevant to business and human rights?***

Yes

***(If yes, please enumerate.)***

The UK takes part in the annual UN Forum on Business and Human Rights.

It also takes part in a number of international and multilateral multi-stakeholder initiatives relating to business and human rights.

As detailed in our Action Plan, we support dialogue between business people, parliamentarians and civil society on the implementation of the business and human rights agenda, and sharing of good practice.

We played a leading role on the development of the International Code of Conduct for Private Security Service Providers (ICOC) setting out companies’ commitments to standards of behaviour, particularly on human rights, and will be independently audited.

Work together with partners in the Voluntary Principles on Security and Human Rights to strengthen the implementation, effectiveness and membership of the Voluntary Principles, including through the UK Chairmanship of the initiative since March 2014.

The Precious Stones Multi-stakeholder Working Group

In partnership with industry and civil society, we have developed guidance to address the human rights risks posed by exports of information and communications technology

We encourage trade associations/sector groupings

Participate and facilitate round tables, conferences, meetings with multi- stakeholder attendance eg Wilton Park Conference on Business and Human Rights and Anti-Human Trafficking, The Business and Human Rights Working Group organised by Equalities and Human Rights Commission, UN Global Compact events, All-Party Parliamentary meetings on ethical trade, responsible business and supply chain issues.

We have provided support to convening mechanisms that bring together business and civil society, representatives to drive practical action, for example, the Ethical Trading Initiative

We have instructed our embassies and high commissions to work with host governments, local and UK business, trade unions, NGOs, human rights defenders, academics, lawyers and other local experts to help inform companies of the human rights risks they face.