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HUMAN RIGHTS
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Access to remedy for business-related human rights abuses

Office of the UN High Commissioner for Human Rights

Accountability and Remedy Project II

CONSULTATION DRAFT

**Consultation draft of policy objectives prepared by OHCHR for the purposes of
inclusion in its final report to the Human Rights Council pursuant to
A/HRC/Res/32/10**

Written comments on this consultation draft should be addressed to

business-access2remedy@ohchr.org by 26 February 2018.

The OHCHR Accountability and Remedy Project

The Accountability and Remedy Project is aimed at helping States strengthen their implementation of the third pillar of the UN Guiding Principles on Business and Human Rights,¹ which relates to Access to Remedy for business-related human rights abuses. The Accountability and Remedy Project was initiated by OHCHR in 2013 and proceeds pursuant to mandates provided by the Human Rights Council in Resolutions 26/22 (2014) and 32/10 (2016).

Part I of the Accountability and Remedy Project focused on the use of State-based judicial mechanisms. In June 2016, OHCHR submitted to the Human Rights Council its final report pursuant to resolution 26/22 comprising the **main report**, (which provided an overview of the research and methodology used, as well as an annex setting out a series of policy objectives for domestic legal responses to improve corporate accountability and access to remedy for business-related human rights abuse and suggestions as to practical ways to meet those policy objectives)² and an **explanatory addendum** providing additional explanations and context to enhance understanding and to aid implementation of the recommended action.³ Each of these documents can be accessed via the dedicated project web-page for Accountability and Remedy Project (Part I).

Part II of the Accountability and Remedy Project addresses the use of State-based non-judicial mechanisms to achieve accountability and remedy in cases of business-related human rights abuses. State-based non-judicial mechanisms are defined for the purposes of this project as State-based mechanisms (other than courts) through which affected people can seek to resolve complaints or disputes arising as a result of adverse human rights impacts of business activity. In practice, they can take many forms (e.g. labour inspectorates, consumer bodies, environmental agencies, national human rights institutions, specialised regulatory bodies and mediation services).⁴

Pursuant to Human Rights Council Resolution 32/10, OHCHR is requested to report the findings of its research into State-based non-judicial mechanisms for consideration at its thirty-eight session to take place in June 2018.

Research and stakeholder consultation carried out to date

A detailed description of the various research and consultation exercises completed to date can be found in the discussion paper on Accountability and Remedy project (Part II). These findings were also presented for consultation at the 6th Annual UN Forum on Business and Human Rights. A copy of the OHCHR's discussion paper can be accessed here:

¹ Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (A/HRC/17/31).

² A/HRC/32/19.

³ A/HRC/32/19/add.1

⁴ For a more detailed discussion of the work of different kinds of State-based non-judicial mechanisms, their relevance to the protection of human rights, and the key features that distinguish them from other mechanisms relevant to the resolution of human rights-related disputes and complaints, see the OHCHR's scoping paper for the Accountability and Remedy Project (Part II), which was published in February 2017. A copy can be accessed here. https://business-humanrights.org/sites/default/files/images/ARPII_FINAL%20Scoping%20Paper.pdf

[www.ohchr.org/Documents/Issues/Business/DomesticLawRemedies/ARPII %20DiscussionpaperonPhase2forUNForum_FINAL.pdf](http://www.ohchr.org/Documents/Issues/Business/DomesticLawRemedies/ARPII%20DiscussionpaperonPhase2forUNForum_FINAL.pdf)

Policy Objectives and Elements: practical steps to consider to improve corporate accountability and remedy in cases of business-related human rights abuses using State-based non-judicial mechanisms

Based on research and consultation exercises conducted to date OHCHR has prepared a consultation draft with a set of policy objectives and elements of good State practice that will appear as the Annex of the OHCHR's main report to the Human Rights Council on the Accountability and Remedy Project (Part II).

As with the Accountability and Remedy Project (Part I), this is a structure that is deliberately flexible. There are many differences among jurisdictions in terms of legal structures, cultures, traditions and resources, all of which have implications for future law reform. To ensure global relevance and applicability, the Policy Objectives and Elements devised for the Accountability and Remedy Project (Part II) are designed to be readily adaptable to a range of different domestic legal systems and contexts and, at the same time, practical, forward-looking and reflective of international standards on access to remedy.

Consultation questions

States are particularly invited to respond to the following consultation questions:

- i) Are the policy objectives and the elements of good State practice set out in this consultation document in accordance with observations within your jurisdiction? If not, please explain why and provide suggestions as to how they should be set out?
- ii) Are there any further suggestions for elements of good State practice?

OHCHR also kindly invites States to provide illustrative examples of good practice to include in the OHCHR's final report under any of the elements of good State practice.

Recommended action to improve the effectiveness of State-based non-judicial mechanisms that are relevant to the respect by business enterprises of human rights

I. Ensuring that there is policy coherence between the work of State-based non-judicial mechanisms and wider domestic policies and processes relevant to the respect by business enterprises of human rights.

Policy objective 1: Domestic law regimes that are relevant to the respect by business enterprises of human rights (“domestic law regimes”) include a range of State-based non-judicial mechanisms with responsibilities for resolving disputes and complaints arising from adverse human rights impacts of business activities (“State-based non-judicial mechanisms”).

1.1 Taken together, domestic law regimes (a) provide the necessary coverage with respect to business-related human rights abuses; (b) adopt legislative, regulatory and policy measures appropriate to the type, nature and severity of different business-related human rights impacts; and (c) are clear as to whether, and the extent to which, they impose legal obligations on companies.⁵

1.2 State-based non-judicial mechanisms are empowered to receive and resolve complaints and/or disputes about the adverse human rights impacts of business enterprises in a manner appropriate to the type, nature and severity of such impacts.

Policy objective 2: State-based non-judicial mechanisms established under domestic law regimes provide an efficient, effective and realistic alternative to judicial mechanisms as a means of resolving disputes and complaints arising from adverse human rights impacts of business activities.

2.1 Roles and responsibilities of judicial mechanisms and State-based non-judicial mechanisms are clearly delineated under domestic law.

2.2 The procedures of judicial mechanisms provide opportunities for referral of disputes arising from adverse human rights impacts of business enterprises to State-based non-judicial mechanisms, as appropriate in the interests of promoting and facilitating access to a prompt, adequate and effective remedy.⁶

2.3 State-based non-judicial mechanisms conform to the “effectiveness criteria” set out in the UN Guiding Principles on Business and Human Rights.⁷

2.4 The mandate, scope, institutional structure and processes of State-based non-judicial mechanisms are designed in consultation with (a) potentially affected stakeholders, potential

⁵ See further A/HRC/32/19, Annex.

⁶ See further A/HRC/32/19, Annex, para 16.2.

⁷ See further Part III below.

users of the mechanisms and their legal representatives and (b) the local judiciary, local bar associations and other relevant regulatory and domestic law enforcement agencies.

Policy objective 3: The types, range and coverage of State-based non-judicial mechanisms established under domestic law regimes are appropriate to local needs, and in particular, the type, nature and severity of human rights risks posed by the activities of business enterprises within the jurisdiction.

3.1 State-based non-judicial mechanisms are designed in such a way as to maximise their effectiveness within the context of local legal structures and economic conditions, taking particular account of the needs of any groups at heightened risk of vulnerability or marginalisation.

3.2 The mandate, scope, institutional structure and processes of State-based non-judicial mechanisms are designed in consultation with (a) affected stakeholders and (b) national human rights institutions.

Policy objective 4: Domestic law regimes establish and maintain a range of pathways to effective remedies which are clearly communicated to affected stakeholders.

4.1 Domestic law regimes provide, singly or in combination, for both specialised State-based non-judicial mechanisms (i.e. focussing on specific human rights and/or specific business sectors, as appropriate) as well as more generalised mechanisms (i.e. with mandates spanning a range of human rights and/or business sectors, such as national human rights institutions).

4.2 Rules and systems are in place to ensure that allegations of corporate wrongdoing amounting to a breach of criminal or quasi-criminal (or “administrative”) law that are brought to the attention of a State-based non-judicial mechanism are either (a) investigated and, where there is sufficient evidence, prosecuted by the State-based non-judicial mechanism itself or (b) referred to the appropriate law enforcement agencies, in either case with expedited procedures mandated in cases of allegations of severe and/or irreparable harm.

4.3 Domestic law regimes ensure that judicial mechanisms provide appropriate levels of support and assistance with respect to the implementation and enforcement of determinations by State-based non-judicial mechanisms, including procedures for enforcement and collection of financial remedies awarded by State-based non-judicial mechanisms in cases of default or non-observance by the relevant business enterprise.

4.4 Affected stakeholders are in receipt of clear information about (a) the various State-based non-judicial mechanisms and processes available to them (b) the different cases and circumstances in which such mechanisms and processes are available and (c) the various ways in which decision-making by such mechanisms can be reviewed, appealed from and enforced.

Policy objective 5: State-based non-judicial mechanisms can establish appropriate and effective channels of communication with each other and with other regulatory agencies relevant to the respect by business enterprises for human rights to ensure that information relating to possible breaches of domestic law regimes by business enterprises are appropriately and speedily communicated to the relevant enforcement agencies and/or judicial bodies.

5.1 The State takes the steps necessary to ensure that its State-based non-judicial mechanisms have effective working relationships and communication links and are able to coordinate their activities effectively with each other, as well as other domestic bodies that regulate the respect by business enterprises of human rights, including agencies responsible for the regulation of labour, consumer and environmental standards and agencies responsible for the enforcement of laws relating to bribery and corruption.

5.2 State-based non-judicial mechanisms have mandates, functions and policy space needed to participate in joint initiatives with other State-based non-judicial mechanisms and other regulatory agencies within their respective jurisdictions for the purposes of (a) developing joint and/or coordinated responses to adverse human rights impacts that are business related, (b) improving their own effectiveness, (c) avoiding duplication of effort, (d) capacity building, (e) sharing of experiences and lessons learned and (f) improving the speed and efficiency with which effective remedies can be delivered for adverse human rights impacts that are business-related.

5.3 State-based non-judicial mechanisms are in receipt of clear guidance as to the circumstances in which issues, allegations or evidence raised in the course of a complaint or dispute (a) must and (b) should be communicated and/or referred to other enforcement agencies and/or judicial mechanisms.

5.4 The guidance referred to in paragraph 5.3 above takes into account the need for confidentiality in certain circumstances, and particularly with respect to the identity of individuals (e.g. claimants, complainants or whistleblowers and their relatives) who may be at risk of threats, harassment or reprisals. It provides for the possibility of expedited procedures in certain circumstances, and especially in cases of allegations of severe and/or irreparable harm.

II. Improving the effectiveness of State-based non-judicial mechanisms in cross-border cases

Policy objective 6: State-based non-judicial mechanisms can readily and rapidly seek information, advice and assistance and respond to requests from their counterparts in other States with respect to the investigation and resolution of complaints and disputes arising from adverse human rights impacts of business activities

6.1 State-based non-judicial mechanisms have mandates, functions and policy space needed to participate in joint initiatives with other State-based non-judicial mechanisms and other regulatory agencies in other jurisdictions for the purposes of (a) developing joint and/or coordinated responses to cross-border cases, (b) improving their own effectiveness, (c) avoiding duplication of effort, (d) capacity building, (e) sharing of experiences and lessons learned and (f) improving the speed and efficiency with which effective remedies can be delivered in cross-border cases.

6.2 The State sets out a clear policy expectation that State-based non-judicial mechanisms will be appropriately responsive to requests from the relevant agencies of other States in cross-border cases.

6.3 The State ensures that appropriate bilateral and multilateral arrangements are in place to enable State-based non-judicial mechanisms to request information, advice and assistance from relevant counterparts in other States in cross-border cases.

6.4 The State ensures that its State-based non-judicial mechanisms have access to the necessary information, support, training and resources to enable personnel to make the best use of arrangements with other States for cooperation in cross-border cases.

6.5 The State is actively involved with relevant bilateral and multilateral initiatives aimed at improving the ease with which and speed at which requests for information, advice and assistance can be made and responded to including through information repositories that provide clarity on points of contact, core process requirements and systems for updates on outstanding requests.

6.6 State-based non-judicial mechanisms support and encourage the involvement of their personnel in relevant bilateral and multilateral initiatives and networks aimed at (a) facilitating contact and exchange of know-how between counterparts in other States; and (b) promoting awareness of different opportunities and options for international cooperation and the provision of information, advice and assistance in cross-border cases.

Policy objective 7: The State works through relevant bilateral and multilateral forums to strengthen methods, systems and domestic law regimes relevant to cross-border cases concerning business involvement in human rights abuses.

7.1 The State actively participates in bilateral, regional and multilateral initiatives aimed at strengthening domestic legal responses to cross-border human rights challenges with a business connection.

III. Supporting implementation by States of the effectiveness criteria for non-judicial grievance mechanisms (Guiding Principle 31)

Policy objective 8: State based non-judicial mechanisms are legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes (Guiding Principle 31(a))

8.1 The State effectively supports its State-based non-judicial mechanisms in protecting against business related human rights abuses.

8.2 State-based non-judicial mechanisms have clear mandates and functions which are enshrined in primary legislation.

8.3 State-based non-judicial mechanisms have access to adequate resources to carry out their respective mandates and to perform their functions effectively and in accordance with their various policies and public commitments, including the necessary financial, staffing and training resources, recognizing the specific challenges that may be faced by indigenous peoples, women, national or ethnic minorities, religious and linguistic minorities, children, persons with disabilities, and migrant workers and their families.

8.4 The State takes steps to ensure that State-based non-judicial mechanisms have appropriate levels of independence from governmental functions in light of their respective mandates and functions, including through independent panels to handle decisions relating to the appointment of, and termination of employment of, key operational and management personnel.

8.5 State-based non-judicial mechanisms have robust procedures for responding to concerns raised about the exercise of their complaints-handling and/or dispute resolution functions, which may, where appropriate, involve referral to an independent oversight panel and/or government ombudsman.

8.6 State-based non-judicial mechanisms are subject to appropriate supervision by independent oversight bodies to ensure good overall performance and that management and decision-making processes meet applicable standards of good practice.

8.7 State-based non-judicial mechanisms have put in place robust policies and procedures to identify, avoid and manage potential conflicts of interest, including, where appropriate, through the separation of business education and awareness-raising functions from dispute resolution functions and the regular rotation of senior and management personnel

Policy objective 9: State based non-judicial mechanisms are accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access (Guiding Principle 31(b))

9.1 The State ensures that the existence of the various State-based mechanisms and their roles, responsibilities and functions are well publicised to affected stakeholders.

9.2 Wherever possible, complaints handling and dispute resolution services are made available to users free of charge. In cases where charging of user fees is deemed necessary and appropriate, financial assistance is made available to users who would be otherwise unable to access the relevant mechanism, and in particular to those people who may be at heightened risk of vulnerability and/or marginalization.

9.3. State-based non-judicial mechanisms give adequate publicity to sources of financial assistance that may be available to help users to defray the costs of making a complaint or referring a dispute, including travel and accommodation costs.

9.4 Complaints and dispute resolution processes and communications are designed in such a way as to be as user-friendly as possible and allow for representation in person, without the need for the services of legal counsel, recognizing the specific challenges that may be faced by indigenous peoples, women, national or ethnic minorities, religious and linguistic minorities, children, persons with disabilities, and migrant workers and their families.

9.5 Users of complaints and dispute resolution processes may access and participate in these processes in a range of ways most convenient to them, including through on-line forms, telephone reporting, by post or in person.

9.6 State-based non-judicial mechanisms make available, free of charge, a range of assistance and advisory services to promote easy access by individuals and their representatives to complaints and/or disputes resolution processes, including through on-line resources such as downloadable pamphlets and videos, paper resources, and telephone help-lines.

9.7 State-based non-judicial mechanisms make available, where appropriate, advisory or “triage” services to ensure that complaints and disputes can be quickly directed to the place where they can most quickly, efficiently and appropriately be resolved, in light of the nature of the complaint or dispute.

9.8 State-based non-judicial mechanisms ensure that the materials, resources and advisory services referred to in paragraphs 9.6 and 9.7 above are made available (a) in the languages and formats needed to ensure that they are readily understandable to all potential users and (b) in formats that meet the needs of people with disabilities, including people with impairments to hearing, sight or mobility.

9.9 To the extent necessary to participate meaningfully in proceedings, users of State-based non-judicial mechanisms have access to translation services at no cost.

9.10 State-based non-judicial mechanisms have put in place measures to enable access and use of the mechanisms on an equal basis with others. This can include improving physical and communicational accessibility to premises, adjustments in the procedures, among other possible adjustments to ensure equal access, including (a) persons with disabilities, including deaf persons and persons with intellectual or psychosocial impairments; (b) older persons, among others.

9.11 State-based non-judicial mechanisms engage in appropriate physical outreach activities to ensure the widest possible awareness of the mechanisms and its role, responsibilities and functions among the relevant individuals, groups and communities, including through regional offices and service centres, mobile offices and “road-shows”, recognizing the specific challenges that may be faced by indigenous peoples, women, national or ethnic minorities, religious and linguistic minorities, children, persons with disabilities, and migrant workers and their families.

9.13 State-based non-judicial mechanisms have put in place robust procedures to ensure confidentiality where the context and specific circumstances of the complaint would make it necessary, and particularly with respect to the identity of individuals (e.g. claimants, complainants or whistleblowers and their relatives) who may be at risk of threats, harassment or reprisals.

9.14 State-based non-judicial mechanisms have put in place appropriate safeguarding arrangements for the protection of particularly vulnerable users and/or witnesses, such as indigenous peoples, women, national or ethnic, religious and linguistic minorities, children, persons with disabilities; and migrant workers and their families.

9.15 The confidentiality of private information of users or State-based non-judicial mechanisms is protected by robust domestic law regimes on data protection and privacy.

9.16 Users of State-based non-judicial mechanisms, whistleblowers and legal representatives are protected by law against reprisals, harassment and discrimination as a result of their engagement with State-based non-judicial mechanisms with respect to complaints or disputes arising from adverse human rights impacts of business activities.

Policy objective 10: State based non-judicial mechanisms are predictable: providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation (Guiding Principle 31(c))

10.1 State-based non-judicial mechanisms publish and make readily available easily understandable information about various stages in the complaints handling and/or dispute resolution processes, the expectations of the parties at each stage, and the times frames within

which key decisions will be taken and key milestones reached, including through “what to expect” leaflets, videos and on-line resources.

10.2 State-based non-judicial mechanisms ensure that the materials, resources and advisory services referred to in paragraph 10.1 above are made available (a) in the languages and formats needed to ensure that they are readily understandable to all potential users and (b) in formats that meet the needs of people with disabilities, including people with impairments to hearing, sight or mobility.

10.3 State-based non-judicial mechanisms operate to publicly available policies and/or codes of conduct with respect to enforcement, prosecution, information-sharing and engagement with other regulatory and/or law enforcement bodies.

10.4 Where appropriate, and to the extent permitted by applicable laws, standards and policies with respect to confidentiality and protection of whistleblowers, the State-based non-judicial mechanism publishes details of past cases, decisions and determinations with respect to complaints or disputes arising from adverse human rights impacts of business activities.

Policy objective 11: State based non-judicial mechanisms are equitable: seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms (Guiding Principle 31(d))

11.1 State-based non-judicial mechanisms observe principles of natural justice and internationally recognised standards of procedural fairness, including by providing interested persons (and particularly complainants, subjects of complaints and parties to disputes) with adequate opportunities to comment on allegations or proposal for remedies before final decisions are made.

11.2 State-based non-judicial mechanisms operate to publicly available policies and/or codes of conduct with respect to the conduct of investigations into allegations of breaches of criminal or quasi-criminal (“administrative”) standards.

Policy objective 12: State-based non-judicial mechanisms are transparent: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism’s performance to build confidence in its effectiveness and meet any public interest at stake (Guiding Principle 31(e))

12.1 State-based non-judicial mechanisms have put in place procedures to ensure that users of mechanisms are appropriately informed of key developments and requirements, including through on-line accounts, telephone help-lines, and dedicated case-workers, as appropriate.

12.2 State-based non-judicial mechanisms are required to prepare and submit an annual report on its activities and performance (including (a) its financial position and management of its finances and (b) reference to key performance indicators and the mechanism’s progress with respect to agreed performance targets) for scrutiny by government and/or any relevant supervisory and oversight body, such reports to be made publicly available.

12.3 Subject to its obligations with respect to confidentiality, the State-based non-judicial mechanism makes periodic disclosures of the complaints and/or disputes which have been

referred to it, the allegations made and the determinations made in respect of those complaints and/or disputes, in either aggregated or disaggregated formats, as appropriate in light of the nature and aims of the domestic law regime in question.

12.4 Information with respect to the activities and performance of State-based non-judicial mechanisms may be accessed by members of the public pursuant to domestic regimes on freedom of governmental information.

Policy objective 13: State-based non-judicial mechanisms are rights-compatible: ensuring that outcomes and remedies accord with internationally recognized human rights (Guiding Principle 31(f))

13.1 State-based non-judicial mechanisms have the authority and ability, in law and in practice, to contribute to the delivery of prompt, adequate and effective remedies to people whose human rights have been adversely affected by business activities either (a) on their own initiative or (b) through robust arrangements for cooperation with other regulatory and/or law enforcement bodies and/or judicial mechanisms.

13.2 State-based non-judicial mechanisms have the authority and ability, in law and in practice, to contribute to the delivery of a range of remedies meeting the standards described in paragraph 13.1 above which may include, depending on the specific case, financial penalties and/or non-financial remedies, such as orders for restitution, measures to assist with the rehabilitation of victims and/or resources, satisfaction (e.g. public apologies) and guarantees of non-repetition (e.g. cancellation of operating licenses, mandated compliance programmes, education and training).

13.3 In circumstances where State-based non-judicial mechanisms are empowered to award remedies on their own initiative, such mechanisms operate to policies designed to ensure that such remedies (a) are proportional to the gravity of the abuse and the harm suffered; (b) reflect the degree of culpability of the relevant company (e.g. as demonstrated by whether the company exercised appropriate human rights due diligence, the strength and effectiveness of the company's legal compliance efforts, any history of similar conduct, whether the company had responded adequately to warnings and other relevant factors); (c) are designed in such a way as to minimize the risks of repetition or continuation of the abuse and/or harm; (d) are sufficiently dissuasive to be a credible deterrent to that company, and others, from engaging in the prohibited behaviour; and (e) take into account gender issues and the particular needs of individuals or groups at heightened risk of vulnerability or marginalization.

13.4 State-based non-judicial mechanism ensure that, to the extent possible, victims are appropriately consulted: (a) with respect to the design and implementation of sanctions and other remedies; (b) with respect to any decision to enter into a deferred enforcement agreement, and the terms of any such agreement; and (c) with respect to the terms of any settlement.

13.5 The consultation referred to in paragraph 13.4 above takes into account gender issues and the particular needs of individuals or groups at heightened risk of vulnerability or marginalization.

13.6 State-based non-judicial mechanisms take steps to ensure that members of its staff are familiar with the needs of the different user groups for which they are intended, especially with

respect to the needs of individuals or groups at heightened risk of vulnerability or marginalization.

13.7 State-based non-judicial mechanisms give appropriate prioritisation to the needs of individuals or groups who appear to be particularly vulnerable in the circumstances and/or who are deemed to be particularly at risk of exploitation or serious physical or emotional harm.

13.8 State-based non-judicial mechanisms monitor the implementation of sanctions and other remedies they have awarded or imposed and ensure that there is an effective mechanism by which interested persons can report and/or raise a complaint regarding and/or seek remedial action with respect to any non-implementation of such sanctions and/or other remedies.

Policy objective 14: State-based non-judicial mechanisms are a source of continuous learning: drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms (Guiding Principle 31(g))

14.1 To the extent possible, State-based non-judicial mechanisms have among their respective mandates and functions the responsibility to observe, report upon and advise government on legislative, policy and/or structural matters (including market-related issues) relating to business activity which have implications (both positive and negative) for the protection and fulfilment of human rights both within the relevant jurisdiction and in a cross-border context.

14.2 States keep under review the scope, mandates, types, functions, responsibilities and performance of State-based non-judicial mechanisms relevant to business respect for human rights, and draws from their work in the development of law and policy relevant to their duty to protect human rights as described in the UN Guiding Principles on Business and Human Rights, including through the development and implementation of their National Action Plans.