

The business and human rights dimension of sustainable development: Embedding “Protect, Respect and Remedy” in SDGs implementation

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*10 key recommendations to Governments and businesses from
the UN Working Group on Business and Human Rightsⁱ*

I. Embedding human rights in partnerships with business to achieve the SDGs

Human rights are essential to achieving the Sustainable Development Goals (SDGs). Simply put, a development path in which human rights are not respected and protected cannot be sustainable, and would render the notion of sustainable development meaningless.

Rightly, the 2030 Agenda for Sustainable Development is explicitly grounded in the UN Charter, the Universal Declaration of Human Rights, international human rights and labour rights treaties and other instruments, stating that the aim of the SDGs is to “realize the human rights of all”. The SDGs themselves and their targets also cover a wide range of issues that mirror international human rights and labour standards. Many of the SDGs relate closely to economic, social and cultural rights, including rights focused on health, education, food, shelter, alongside the rights of specific groups such as women, children and indigenous peoples. In addition, SDG 16 on the need for peaceful, just and inclusive societies emphasizes key civil and political rights, including personal security, access to justice, and fundamental freedoms.

The 2030 Agenda emphasizes that the business sector is a key partner for the United Nations and governments in achieving the SDGs. Notably goal 17 speaks of revitalizing global partnerships for sustainable development, including public-private partnerships. Paragraph 67 of the 2030 Agenda calls on “all businesses to apply their creativity and innovation to solving sustainable development challenges” and commits States to “foster a dynamic and well-functioning business sector, while protecting labour rights and environmental and health standards in accordance with international standards and agreements and other ongoing related initiatives, such as the Guiding Principles on Business and Human Rights...”.

1. Respect for human rights must be a cornerstone when envisioning the role that business will play in the pursuit of the SDGs.

As a universally agreed global standard for States and companies to ensure that business and investment do not come at the cost of human rights, [the UN Guiding Principles on Business and Human Rights](#)ⁱⁱ provide an important part of the solution to this challenge. Based on the three pillars of “Protect, Respect and Remedy”, they clarify that: States have a duty to protect human rights, including against abuse by business; businesses have a responsibility to respect human rights throughout their activities and business relationships; and that victims of business-related human rights impacts must have access to remedy. The corporate responsibility to respect human rights applies to all businesses regardless of their size, sector, operational context, ownership and structure.

Both the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda explicitly cite the Guiding Principles and the need to protect rights in the context of private sector contributions to solving sustainable development challenges. ***Much work remains to be done, however, to translate the SDGs into action by States and businesses in a manner that is consistent with international human rights standards. This includes ensuring that partnership activities involving the business sector are based on respect for human rights.***

II. Reinforcing the State duty to protect rights-holders

States have a critical role to play in ensuring that SDG implementation efforts are consistent with the human rights framework on which the 2030 Agenda is based. The State duty to protect people from business-related human rights abuse includes the task of ensuring that businesses will contribute to, not undermine, inclusive and sustainable development. The foundation of the State duty to protect as set out in the Guiding Principles requires States to protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication. ***It also requires States to set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations.*** This implies having in place laws that require and enable business respect for human rights, and providing guidance to business enterprises on how to identify, prevent, and mitigate adverse human rights impacts linked to their operations.

2. States must ensure that their business partners for sustainable development have made a clear and demonstrable commitment to the UN Guiding Principles on Business and Human Rights, and uphold these Principles in efforts to reach the SDGs.

While partnerships with the business sector are a key part of the strategy for achieving the SDGs, States are responsible for setting national sustainable development policies and priorities to meet the SDG targets that they have committed to by 2030. ***As and 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.*** When seeking to engage business in pursuit of SDGs, States must at the same time emphasize that human rights – not profits – come first. Related to this, as States are beginning to encourage business to report on their contributions to the SDGs, they should also ensure that reporting frameworks are aligned with the Guiding Principles so that businesses disclose impacts to people across their activities and how negative impacts are being addressed.

3. National plans to implement the SDGs should align with national action plans to implement the Guiding Principles.

The Human Rights Council and the Working Group on Business and Human Rights have encouraged all States to develop national action plans on business and human rights.ⁱⁱⁱ This would be a key activity for States when pursuing sustainable development. In setting up SDG implementation plans at the national level, as well as mechanisms to “conduct regular and inclusive reviews of progress”^{iv}, States should ensure coherence with national action plans for the implementation of the Guiding Principles. Conversely, national action plans focused on business and human rights should clarify how the Guiding Principles will be integrated in the context of SDG implementation.

4. Governments should ensure policy coherence between commitments to the SDGs and their human rights obligations and use their control and leverage as economic actors to promote respect for human rights.

The Guiding Principles set out a number of considerations for States to act on in order to ensure policy coherence across business-oriented policy areas that relate to sustainable development, both at home and in multi-lateral settings. Policies related to the sustainable development agenda such as in the areas of trade and investment promotion should be leveraged to encourage responsible business practices in line with human rights standards. Governments should also introduce human rights due diligence into their procurement policies and practices to support SDG target 12.7 on sustainable public procurement, as well as into their development finance, trade support and export credit practices. They should do so as a means to incentivize business to comply with international human rights standards, and in order to meet their own State duty to protect human rights. They should also ensure that State-owned enterprises implement the Guiding Principles and “lead by example”.

5. Protecting, respecting and supporting human rights defenders need to be an essential component of SDG implementation efforts.

An essential aspect of the State’s international human rights obligations is to ensure protection, respect and support for individuals who raise concerns about adverse human rights impacts, including in the context of development projects where business is involved. Put starkly in the words of the UN Special Rapporteur on human rights defenders, the 2030 Sustainable Development Agenda is “doomed to failure if the individuals and groups on the frontline of defending sustainable development are not protected at the national, regional and international levels”.^v

III. Corporate respect for human rights in the sustainable development context

Paragraph 67 of Agenda 2030 calls on “all businesses to apply their creativity and innovation to solving sustainable development challenges” and for States to “foster a dynamic and well-functioning business sector, while protecting labour rights and environmental and health standards in accordance with relevant international standards and agreements and other ongoing initiatives in this regard, such as the UN Guiding Principles on Business and Human Rights”. The Guiding Principles articulate how businesses are expected to contribute to the “people part” of the SDGs, namely placing respect for human rights at the centre of their activities and business relationships.

6. For business, the most powerful contribution to sustainable development is to embed respect for human rights across their value chains. And business respect for human rights is not a choice, it is a responsibility.

The role of business in implementing the SDGs is different from, and goes beyond, traditional corporate social responsibility. Philanthropy or social enterprise are to be welcomed, but cannot substitute for meeting the responsibility to respect human rights, which all businesses regardless of size, sector or location, are expected to meet. Respecting human rights means avoiding adverse impacts on the human rights of others and addressing the adverse impacts with which the business is involved. Business implementation of the Guiding Principles is not simply about ensuring “do no harm”, or just a starting point towards making a positive contribution to sustainable development. Implementing the Guiding Principles *in itself* has tremendous potential to contribute towards positive change for the hundreds of millions of the poorest and most marginalized people across the world, for whom the term “sustainable development” would otherwise ring hollow.

Global trade and supply chains have contributed positively to economic development by helping people realize a range of economic and social rights, but supply chains are also linked to negative human rights impacts. Businesses that are part of global supply chains can affect virtually all internationally recognized human rights. The risk of human rights abuse is often exacerbated by the way global supply chains are structured and managed (or not managed). By placing respect for human rights at the centre of supply chain activities, businesses can make a solid contribution to sustainable development.

7. Business strategies to contribute to the SDGs are no substitute for human rights due diligence. Robust human rights due diligence enables and contributes to sustainable development.

If a business does not have a clear understanding how all its activities may affect human rights, what is presented as a positive contribution to the SDGs might not reflect the real impact of its operations on sustainable development. The Guiding Principles set out that human rights due diligence needs to cover both potential and actual impacts that a business may cause or contribute to through its own activities as well as those with which it is directly linked through its business relationships. This is not to suggest that businesses should address all SDGs. Rather, they need a principled process that reflects international standards, to identify the SDGs through which they can maximize their contribution.

If a business, for example, understands that its operations might adversely impact a community's access to water, identifying and mitigating such an impact would help communities to enjoy a right in a way that sustains or promotes economic livelihood rather than undermining it. Similarly, if a business identifies employment practices that impact women adversely, or lead to workplace discrimination, but then mitigates and remediates these harms, this can make a real and significant contribution to sustainable development, advancing women's ability to participate in and benefit from economic activity.

Responsible business actors also recognize that narrowing of civic space and targeting of human rights defenders are not just harmful to human rights, it also weakens the rule of law, which deteriorates the enabling environment for responsible business and ultimately undermines sustainable development. Ensuring respect for human rights defenders who speak up on concerns about impacts with which a business may be linked, and supporting an environment in which human rights are protected and respected, would be an important positive contribution by business to sustainable development.

IV. Ensuring accountability and access to an effective remedy

Justice systems are meant to serve the goals of protecting rights holders and fostering participation in just societies. Ensuring access to effective forms of justice and remedies is an integral part of realizing human rights and sustainable development for all. For example, if citizens are blocked from obtaining an education, discriminated against at work, or deprived of their right to health care, they need to have access to effective mechanisms – both judicial and non-judicial – in order to claim their rights and seek an effective remedy. Profound disparities persist across countries, with four billion people around the world living outside the protection of the law, mostly because they are poor or marginalized within their societies. Ensuring access through appropriate mechanisms based on international human rights standards when business-related human rights abuses occur, is essential to effective implementation of the Guiding Principles and for realizing sustainable development.

8. The increased role of business in development must be coupled with adequate accountability.

Both the Guiding Principles and the SDGs call for States to ensure access to justice. SDG 16 calls on States to “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”, and target 16.3 requires States to promote the rule of law at the national and international levels, and ensure equal access to justice for all.

Pillar III of the Guiding Principles clarifies that States are required to ensure effective access to remedy to those affected by business-related human rights abuse and to take steps to ensure the effectiveness of state judicial and non-judicial mechanisms. Taking appropriate steps to investigate, punish and redress business-related human rights abuses when they do occur, are integral to the State duty to protect. It includes taking appropriate steps to ensure the effectiveness of domestic judicial mechanisms when addressing business-related human rights abuses. Moreover, States should provide effective and appropriate non-judicial grievance mechanisms, alongside judicial mechanisms, as part of a comprehensive State-based system for the remedy of business-related human rights abuse.

This critical aspect needs to be taken into account in the context of translating SDG 16 into actionable measures. Concretely this means that State implementation of SDG 16 must include measures for improving access to remedy for victims of business-related human rights abuses.

9. Individuals and communities who face adverse business-related human rights impacts must have access to effective remedy, including in the context of business operations undertaken in the name of sustainable development.

Apart from the obligation of States to ensure that victims of human rights abuse have access to effective remedy, businesses should also provide for or cooperate in remediation of adverse human rights impacts which they have caused or to which they have contributed. As the Guiding Principles highlight: “even with the best policies and practices, a business enterprise may cause or contribute to an adverse human rights impact that it has not foreseen or been able to prevent.” In order for businesses to meet their responsibility to respect when they identify such a situation, for example through their human rights due diligence process, they are required to engage actively in remediation, either alone or in cooperation with other actors. The Guiding Principles require businesses to establish or participate in operational-level grievance mechanisms (aligned with certain effectiveness criteria) in order for those potentially impacted by the business’ activities to be able to raise concerns directly and seek remediation for harms.

V. Acting on the Guiding Principles as part of the SDGs roadmap

10. The Guiding Principles on Business and Human Rights provide a clear roadmap for protecting and respecting human rights in the context of business activities. Acting on the Guiding Principles should also be a key part of the SDGs roadmap as the public sector is partnering with the private sector to solve the world’s sustainable development challenges. Put simply, achieving the SDGs will require that States meet their duty to protect human rights from business-related human rights abuses and that businesses meet their corporate responsibility to respect human rights.

The UN Working Group on Business and Human Rights urges Governments to set a clear vision for connecting the role of the private sector and businesses in development with accountability and internationally agreed standards for business practices aligned with human rights. It also calls on business to meeting their responsibility to respect for human rights as an

integral component of their contribution to the SDGs. The UN Guiding Principles on Business and Human Rights should be a key reference point for both States and business in this context. The SDGs are ambitious and have potential to deliver a more sustainable future, in which the rights of all are realized. States need to lead efforts to translate the goals into action, and the business sector could have a vital and powerful role to play, with investments, job creation, technology and innovations. It is critical that implementation efforts are grounded in the human rights framework of the 2030 Agenda, as respect for human rights of every person is integral to sustainable development. Acting on the Guiding Principles would be a major step in the right direction toward a sustainable future for all.

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Other Working Group publications and statements on sustainable development:

- Working Group calls on G20 to place human rights at centre when promoting sustainable supply chains,
http://www.ohchr.org/Documents/Issues/TransCorporations/20170324_UNWG_Open_Letter_G20.pdf
- UN Working Group's report to the 29th Human Rights Council (A/HRC/29/28),
http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/29/28
- Joint statement by the Working Group and other UN Special Procedures mandates on the need to embed human rights in SDGs implementation:
- "2030 Development Goals: "No one should be left behind, and no human right ignored" – UN experts," Geneva, 12 July 2016, available at:
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20262&LangID=E>

Endnotes:

ⁱ The [UN Working Group on Business and Human Rights](#) is mandated by the UN Human Rights Council to promote worldwide dissemination and implementation of the Guiding Principles on Business and Human Rights. As the Human Rights Council renewed the mandate of the Working Group on 22 June 2017, it requested the Working Group to "to give due consideration to the implementation of the Guiding Principles in the context of the 2030 Agenda for Sustainable Development" (paragraph 12 of resolution 35/L.11).

ⁱⁱ Unanimously endorsed by the UN Human Rights Council in 2011 (resolution 17/4), the Guiding Principles on Business and Human Rights provide the authoritative global standard for action to safeguard human rights in a business context, clarifying what is expected by governments and companies to prevent and address impacts on human rights arising from business activity. Available at: http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

ⁱⁱⁱ See Human Rights Council resolution 26/22 (2014), UN Document A/HRC/RES/26/22, paragraph 2.

^{iv} UN Document A/71/281, paragraph 79.

^v UN Document A/71/281, paragraph 4.