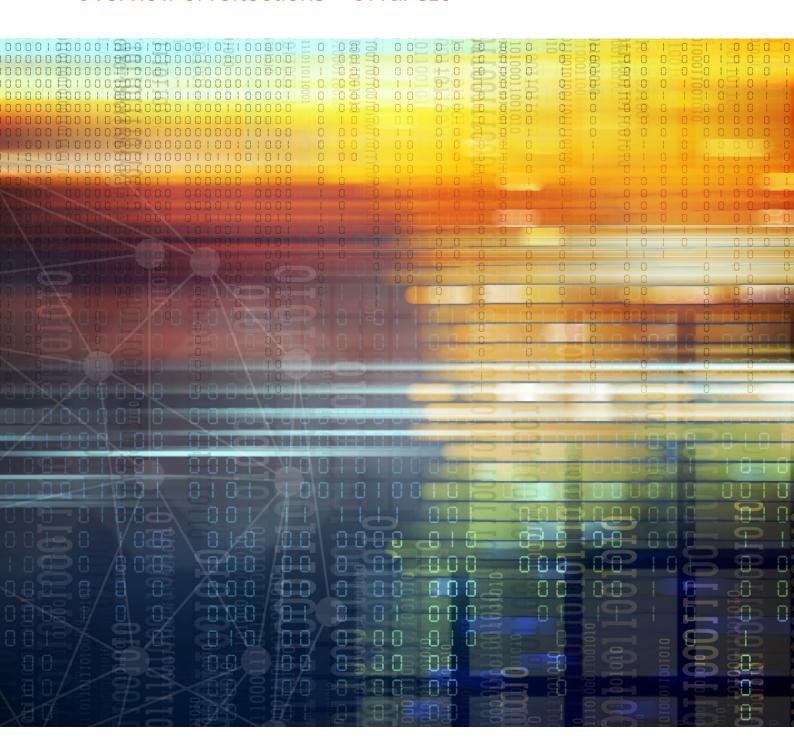# Compendium of Insights

Overview of reflections – UNGPs10+

This document has been compiled as a reference point for participants attending the UN Virtual Annual Forum on Business and Human Rights 2020. It provides an overview of insights and feedback from key business organisations to complement and provide greater depth of feedback to the session being held on 17th November 2020, during which the business organisations will provide further thoughts.

Contents

Note of thanks: The organisations would like to thank the UN Working Group on Business and Human Rights for the opportunity to provide inputs into the project.

You can read more about the UNGPs10+ project here.

amfori – UNGP@10 – insights and reflections

- amfori is the leading global business association for open and sustainable trade. We number over 2,400 importers, retailers and brand manufacturers, from over 40 countries and with a combined turnover of more than EUR 1.5 trillion. amfori's mission is to enable each of its members to enhance human prosperity, use natural resources responsibly and drive open trade globally. To achieve this, we provide services and tools to our member companies to tackle sustainability challenges in global supply chains. To tackle complex supply chain issues and bring individual company efforts to scale, we offer a platform for collective action. In this sphere, our member companies have significantly shaped the principle of voluntary self-commitment in Europe for the past 20 years.

- Our input to the UNGPs10+ Project is based on the feedback of businesses of various sizes, representing retailers, traders, brands and importers with operations primarily in Europe and Asia.

- The United Nations Guiding Principles on Business and Human Rights (UNGPs) have been instrumental in laying the foundation of a unanimously agreed standard of conduct for both states and business enterprises. They have articulated the business responsibility to respect human rights into a dynamic process, that of due diligence, which requires companies to take reasonable steps to prevent adverse impacts from happening, mitigate them when they occur and provide remedy for the harms caused.

- From their establishment onward, we have witnessed considerable action at governmental level via the adoption of national action plans on business and human rights and, more recently, the introduction of responsible business conduct due diligence laws.

- Ever since the UNGPs adoption, expecting companies to conduct business responsibly has become the new normal. According to 41% of the survey respondents, investors have stepped up their leverage and started to look at companies more systematically through an ESG lens, especially assessing the effectiveness of their due diligence processes. Consumers and stakeholders are demanding a paradigm shift.

- According to 27% of the survey respondents, civil society organisations (CSOs) have an improved understanding of company challenges and 25% find that CSOs have a greater role in detecting issues in supply chains.

- If, on the one hand, there is growing awareness of the UNGPs within company management (according to 32% of the survey respondents), there are still struggles to be accounted for, such as a lack of internal buy-in (11% of the survey respondents). Getting business partners to work together and to see the conducting of due diligence as a joint responsibility remains a daunting challenge. Such a shift in mindset has the potential to overcome another stumbling block, that of going deeper in the supply chain. This would improve the visibility of business partners upstream and the overall supply chain transparency (according to 27% of our survey respondents).

- Approaches to legislating on human rights due diligence remain scattered across countries and geographies. While some trends and commonalities are emerging, the mushrooming of national approaches poses a challenge for companies operating in various markets and especially for small and medium enterprises (SMEs).

UNGPs10+ challenges for the next decade

- Looking into the next decade of the UNGPs, there is an urgent need for governments to strengthen legal frameworks, ensure the enforcement of the rule of law, and fulfil their duty to protect human rights.

- Governments should provide clear guidelines as to what it is expected of businesses and help to build necessary local awareness.

- Initiatives like the one in the pipeline by the EU for the adoption of a harmonised due diligence legislation have the potential to be transformational and to bring scale to voluntary efforts.

- One single set of due diligence requirements could strengthen the uptake of the UNGPs, provided it is well designed and that it does not result in businesses focusing too much of their efforts to ensure compliance instead of acting diligently. A harmonised framework could level the playing field across sectors and supply chains, raise the bar of minimum business conduct, maximise the efforts of all those involved (from duty bearers such as governments and businesses to right holders such as workers) and streamline approaches, thus cutting down on red tape for business.

- 21% of the survey respondents see the co-existence of multiple responsible business conduct due diligence standards in supply chains as a source of considerable confusion and hence, inefficiencies.

- With the ongoing momentum generated by the UNGPs and thinking of the potential spill over effects that the EU action might have, global policy coherence will need to be ensured so that synergies across policy initiatives from different jurisdictions are maximised and consistency of business expectations is ensured.

- Continuous engagement with suppliers and business partners to build capacity and to strengthen transparency should continue to be pursued, according to our survey respondents. Joining forces with local resources on the ground should also be explored to more thoroughly assess a company's impact on local communities.

- Developing guidelines on responsible purchasing practices might be beneficial in generating a shift in buyers' mindset and in ensuring that sustainability considerations are incorporated into their behaviour.

- Cross-sectorial best practice sharing and interaction should be further stimulated, since supply chain issues are not always sector-specific and may cut across different supply chains.

- Similarly, more outreach towards governments of various countries should be conducted in an effort to ensure that capacity to improve governance and law enforcement is built locally. Without the local dimension, there is a risk that supply chains will hardly be transformed for the better and that right holders' needs will be neglected. The UN could help in providing a platform for educational outreach activities.

- Businesses have taken leadership in designing programs and schemes for addressing supply chain challenges. They will play an important role in continuing to advance collaborative responsible business practices. According to our survey respondents, those initiatives should continue to be promoted and encouraged to deepen conversations in supply chains, to offer collective approaches to addressing systemic challenges and to advance on the access to remedy pillar, which is an area where progress has been mixed.

Business for Social Responsibility (BSR)
– UNGP@10 – insights and reflections

- The UNGPs have become the universal standard guiding business responsibility to respect human rights. This broad consensus has given companies across sectors – along with their partners in government and civil society – a shared roadmap for respecting human rights and a common language for articulating this goal. This has formed the basis for increased transparency on human rights performance through benchmarking and reporting. These shared expectations have also enabled corporate actors to drive internal change and have spurred the development of the architecture needed to prevent, mitigate, and remedy human rights harms, including a growing number of human rights policies, due diligence procedures, grievance mechanisms, and dedicated staff.

- While the UNGPs have driven a shift in the perception of human rights risks among companies, this perception of risk is not evenly distributed throughout all corporate functions. Furthermore, the behaviors required to prevent and mitigate these risks are not yet fully in place across corporate functions. Significant gaps in the achievement of the full promise of the UNGPs include access to remedy; consistent and ongoing conduct of human rights due diligence; inclusion of the full value chain – notably products and services – in due diligence processes; and attention to the cumulative impact of business activity on human rights beyond the impacts of a single company.

- Full realization of the UNGPs by business is hindered by insufficient support from company leadership; unclear accountability for the management of human rights risks and the achievement of positive human rights outcomes; inadequate resourcing of human rights due diligence processes, mechanisms, and staff; limited data about human rights outcomes and the effectiveness of specific approaches; lack of clarity about how to most effectively apply the UNGPs among small and medium enterprises across the value chain; corporate concerns about liability, leading to hesitancy in pursuing remedy; and focus on the degree of connection to risk as a driver for action, leading to a diffusion of responsibility for addressing harms.

UNGPs10+ challenges for the next decade

- As we look ahead to the next decade of the UNGPs, our focus should be on those areas that will enable us to achieve the most meaningful progress toward the realization of human rights: strengthening access to remedy; more collaboration with rightsholders, particularly vulnerable groups, in identifying, preventing, and mitigating human rights impacts; greater consideration of systemic and contextual risk factors; increased attention to due diligence of products and services; and increased focus on addressing upstream human rights impacts in corporate supply chains, including through increased collaboration across the value chain, more effective use of leverage, and increased application of the UNGPs among small and medium enterprises.

- To achieve the desired outcomes of reduced human rights abuses and increased realization of human rights, companies must look beyond process to real-world outcomes and ensure that their teams have the knowledge, the skills, and the relationships to shape these outcomes for the better. Drawing on learning from over 25 years of working with companies to manage human rights risks, we highlight four features of effective human rights due diligence that should be enhanced as we look ahead to the next decade of the UNGPs:

- Companies should take a forward-looking approach to identifying human rights impacts, so that they can proactively prevent and mitigate harm. Futures and strategic foresight methods, such as trend analysis and scenario planning, enable companies to increase the range of potential adverse human rights impacts identified and surface new strategies to address them.

- Ongoing due diligence enables companies to track shifts in the operating environment that may change their human rights risk profile. The ability of a company to nimbly respond to such change depends not only on formal processes for updating risk assessments, but also on regular stakeholder engagement (including dialogue with human rights defenders) as well as a culture of sharing and escalating internal concerns to appropriate internal decision-makers.

- Effective human rights due diligence recognizes the company as part of a system. No matter where they are present or what industry they are in, companies operate in geographical contexts and product value chains that are shaped by pre-existing dynamics. While companies may cause or contribute to specific human rights impacts, these harms occur in the context of the wider system. Companies should understand their role in shaping these systems and the ways in which their actions combined with those of other companies cumulatively impact people. Companies can effect change in these systems and increase their leverage, impact, and legitimacy by collaborating with other actors, particularly in fragile and conflict-affected contexts, where companies and other actors can work together to address the multiple causes of conflict and human rights violations. Companies should also understand how their internal ecosystem (e.g., commercial targets, political advocacy) affects the achievement of human rights outcomes.

- Effective human rights due diligence is grounded in stakeholder engagement. Rightsholders provide information that enables companies to understand their human rights risks by raising concerns about actual and potential impacts and by providing input about how best to address and remediate these impacts. Companies should make extra effort to engage with vulnerable groups to avoid aggravating structural oppression and disproportionately negative impacting people who are at heightened risk. Proactive consultation, formal grievance mechanisms, and ongoing dialogue with people who are impacted in different ways by the company's business activity positions the company to design, implement, and track the effectiveness of their human rights due diligence programs.

Global Business Initiative on Human Rights (GBI)
– UNGP@10 – insights and reflections

From our engagements with business practitioners around the world, the GBI team has observed a significant surge in practical human rights know-how over the past decade. 10 years ago, discussions on human rights policies and risk mapping exercises were nascent. Practice has evolved significantly, and forward-looking human rights practitioners in companies are working more thoughtfully to address complex challenges whilst continuing to scale and systematise everyday human rights risk management. There is still a long way to go but some positive steps have included:

- A decade ago, few companies acknowledged that human rights were relevant to their business. Now, not only do most major brands have a human rights policy commitment, we are seeing serious efforts at integration and a heightened degree of sophistication in approach.

- Business practitioners starting to "go deeper" to understand systemic human rights issues and working in far more collaborative ways.

  - For complex challenges such as modern slavery, practitioners are increasingly seeing the need to deeply understand the context, dynamics, barriers and enablers in order to then identify long-term, sustainable solutions. Increasingly, they are doing so in partnership with others and through multi-stakeholder engagement.

  - This illustrates a positive shift in the relationship between business, government and civil society on human rights – moving from an adversarial to a far more collaborative approach. Companies are also working more closely together in initiatives to better address complex issues and find potential long-term solutions.

- Leading practitioners are increasingly working to integrate human rights considerations into all key decision-making processes, including those related to business development and projects, procurement, and M&A. They increasingly recognise the importance of ensuring that efforts to manage human rights risks are undertaken effectively, and preferably at an early stage of the decision-making process.

- Thinking in leading companies about direct linkage and leverage is becoming increasingly sophisticated and strategic. Many of the more advanced practitioners in companies are addressing situations of direct linkage and using leverage together with a more granular focus on the meaning and content of standards, applying more pragmatic and strategic thinking. This enables easier navigation of the practical realities of establishing and using leverage across a company's value chain.

- Practitioners are thinking about the ways in which rapid changes in technology, society and politics will impact and inform their efforts to implement respect for human rights in practice. The retreat of some governments from human rights leadership presents something of a vacuum leading business and civil society to review their roles. The rapid rate of technological change, including the use of big data analysis and the automation of work, demands a similarly rapid response and evolution in thinking from a human rights perspective by both government and business. As well as risks, companies are increasingly embracing and leveraging new technologies to enhance human rights due diligence, training and grievance processes.

UNGPs10+ challenges for the next decade

- Whilst encouraging signs of progress have been seen by leading companies on implementation of the UNGPs, it is vital that companies continue to deepen their work, and scale up action amongst the "unaware, unable and unwilling", to borrow a phrase from the UN Working Group. Serious efforts are needed in the next decade to strengthen leadership and commitment in all sectors and geographies, as well as among smaller and medium-sized companies.

- Government engagement and buy-in has increased in recent years, though there is still a long way to go. In particular, the lack of policy coherence across some states and regions can have a chilling effect on business efforts to implement the UNGPs. The disparity between countries is often stark, with many lagging on the smart mix, let alone finding a smarter mix. Governments need to focus more on thoughtful use of regulatory tools and other drivers to increase uptake and advance practices and not simply work to 'harden' the UNGPs.

- The emergence of mandatory reporting and human rights due diligence requirements raises questions about what drives meaningful and effective change. Regulation needs to be crafted carefully, thoughtfully and in consultation with business to incorporate an understanding of practical implementation that will affect the best outcomes for rights-holders.

- Practitioners are contending with the reality that human rights-related legislation is growing in all regions of the world. This has several implications for practitioners, in some cases helping gain traction for the business case, in others, adversely causing constraints on transparency and disclosure efforts by avoiding risk exposure. This may hamper efforts to be open, to collaborate and to learn. There also needs to be greater collaboration between companies to provide coherent input to governments, broaden knowledge sharing and increase positive impacts. Greater collaboration should also be prioritised between government, business, civil society and with human rights defenders.

- Many companies are still predominantly reactive when it comes to human rights impacts. A greater focus on saliency and prioritisation is needed to address the most severe risks, not merely those which are front of mind due to external pressures or topical trends.

- There is a need to retain focus on what achieves meaningful outcomes on the ground. There is a clear need to go beyond audits to tackle human rights challenges effectively and prevent a 'minimum compliance' approach. Incentives to go beyond supply chains to tackle human rights challenges through customer and product due diligence and through business relationships are, so far, receiving less attention within regulatory developments, further slowing implementation.

- Certain sectors need greater focus, including transport and logistics, professional service providers and the media. In part, there is a need to ensure that global approaches are also local approaches. Whilst coherence and consistency at a global level are needed, expertise and know-how are needed on the ground and need to be tailored to context, culture, priorities and approaches. This will entail a two-way learning process.

- The OHCHR's Accountability and Remedy Project has provided some valuable insights into operationalising Pillar III of the UNGPs. Implementation of the project's recommendations now need to be built on and put into practice. Company-level mechanisms and ADR-legal measures are not always designed to accommodate the complex lived experiences of human rights impacts. Far greater focus is needed on how to achieve something restorative and meaningful for those impacted.

International Chamber of Commerce (ICC)
– UNGP@10 – insights and reflections

- Progress that have taken place and promising developments. As the institutional representative of more than 45 million companies worldwide, the International Chamber of Commerce ("ICC") fully recognises the critical importance of ensuring that businesses have the knowledge, skills, and incentives to respect human rights.

  We continue to believe that the UNGPs represent a transformational roadmap to a future where human beings and corporations alike can thrive and prosper. With specific reference to business, the work of embedding the UNGPs into corporate practices is picking up impressive speed – with risk assessments, enhanced supply chain due-diligence and human rights training all now routinely implemented in many enterprises. It is imperative that we work together to accelerate these positive trends.

  ICC welcomes the UNGP 10+ initiative of the UN Working Group on Human Rights and Business, and the opportunity to participate in the multi-stakeholder consultations being organised to commemorate the 10-year anniversary.

- Remaining gaps and challenges. Nine years on from the adoption of the UNGPs, ICC is concerned that their implementation remains incomplete. It is of significant concern that only a limited number of governments have brought forward national action plans (NAPS). ICC urges all governments who have not done so to commence the development of robust NAPS, and the ICC global network stands ready to contribute constructively to their elaboration.

  The challenge ahead for business in relation to implementation of the UNGPs is two-fold: (i) to ensure that new business practices mentioned above translate into improved human rights performance; and (ii) to enable all businesses – regardless of size, sector or location – to embed respect for human rights throughout their operations.

- Key obstacles, drivers and priorities that need to be addressed. ICC recognises that further legal developments, including the so-called "smart mix" approach, to incentivise implementation by companies are foreseen within in the UNGPs. Many of ICC member companies, in a number of jurisdictions, are already active in consultations with their respective governments and stakeholders around emerging approaches and frameworks, with a view to clarifying and to improving the standards of responsibility and accountability for states and businesses throughout the world.

  ICC believes any future national frameworks must: (i) be internationally consistent; and (ii) align fully and completely with the standards embodied in the UNGPs. Absent of meeting these criteria, such legal developments may inadvertently disrupt the efforts of companies already working to implement the UNGPs – as well as eroding incentives for actors who have yet to step up to their responsibilities to take action.

  ICC welcomes the work of the UN Working Group on Human Rights and Business on the nexus between human rights and anti-corruption. Increased policy coherence on these issues would lead to greater awareness and openness in jurisdictions that traditionally have low levels of transparency, and help build an environment in which human rights violations can be significantly reduced.

UNGPs10+ challenges for the next decade

- Systemic and structural challenges to be tackled to realise sustainable development based on respect for human rights. In 2019, ICC issued a landmark Centenary Declaration setting out a commitment to enable business worldwide to secure peace, prosperity and opportunity for all. The declaration commits ICC to playing a leading role in forging solutions to the major global challenges, with a view to realising sustainable development within the overarching framework of respect for human rights. Ensuring that the billions of people whose lives are impacted by corporate activities are treated with respect for their dignity and fundamental wellbeing is a core tenet of this vision.

  The COVID-19 pandemic has even more starkly exposed three fundamental systemic fragilities: economic exclusion, social inequality and environmental degradation. ICC is committed to playing a leading role in efforts to address these fragilities, including through the recently launched SME Climate Hub and "1.5°C Supply Chain Leaders" group, and through our support for the World Health Organisation in its efforts to combat the pandemic and ensure fair and equitable access to vaccines (once available).

- Actionable and measurable targets for key actors in terms of meeting the UNGPs' expectations over the coming years. The development of national action plans remains one of the most serious targets that must be met by all States. And those with existing plans should update them regularly, in consultation with all stakeholders. As we move forward towards our objective of embedding the UNGPs into corporate practice worldwide, including through the development of new legal frameworks, the critical factors to enable implementation are consistency of approach and the objective of creating – as far as possible – a level playfield. There are a number of complex questions that policy makers and businesses need to discuss, as "smart mix" measures are developed, or reviewed. These include: mandatory reporting and due diligence approaches; sectoral or cross-sectoral approaches; the limits of liability and what measures/incentives can be used to encourage due diligence beyond liability; what is reasonableness in terms of due diligence. The ever-increasing patchwork of measures in different jurisdictions can potentially present an obstacle to promoting implementation, rather than enabling it. It is also critical that all governments considering possible independent legislative initiatives engage in multi-stakeholder consultations as policies are being developed.

  ICC continues to actively support its members to scale implementation of the UNGPs – and will intensify these efforts to achieve the maximum on the ground impact. This will be increasingly important, especially for SMEs, as new national "smart mix" frameworks are being developed, and ICC will work with other stakeholders to enable businesses worldwide through the development of the appropriate tools, and the sharing of best practice.

- Other relevant information. While much remains to be done in operationalising the UNGPs, ICC believes it is important to reiterate our doubts that a treaty-based approach could be effective in dealing with the web of complex interrelationships between business and human rights. ICC expressed these concerns recently at the sixth session of the of the Intergovernmental Working Group on transnational corporations and other business enterprises with respect to human rights (IGWG). In this context, and in light of (i) the initiative of the UN Human Rights and Business Working Group; (ii) the important legal developments being considered in many jurisdictions; and (iii) the lessons being learned from existing legislation in others, ICC has suggested that it would be appropriate to take a pause this process might benefit from consultations inter-sessionally to review alternative approaches and to ensure consistency with the UNGPs. ICC stands ready to participate in such consultations.

International Council of Mining Metals (ICMM)
– UNGP@10 – insights and reflections

- There has been a significant increase in the understanding of what corporate responsibility to respect human rights means in practice for different sectors and companies. ICMM has worked to raise awareness and support implementation in the mining and metals industry, through our Human Rights in Mining and Metals guidance, Voluntary Principles on Security and Human Rights: implementation guidance tools, training resources and peer learning workshops.

- This includes greater focus on operational level grievance mechanisms, with more mining and metals companies improving channels for communities and workers to raise concerns and reporting more openly on the overall numbers of grievances and how they are addressed. To support this, in 2019 we updated our guidance on handling community level concerns and grievances aligned with the effectiveness criteria in the UNGPs. This will be published in Spanish in 2020.

- The UNGPs have become integrated into a wide range of industry standards and voluntary commitments. In early 2018, ICMM became the first industry association to make implementation of the UNGPs a condition of membership through our enhanced Mining Principles launched. Member companies are also required to implement, based on risk, a human rights and security approach consistent with the Voluntary Principles on Security and Human Rights. The Mining Principles strengthen social and environmental requirements through a comprehensive set of performance expectations, with implementation supported by robust site-level validation.

- Leaders in our sector are becoming more visible and vocal on human rights and on what their companies are doing to implement the UNGPs. For example, the CEOs of Anglo American and Newmont have spoken at the UN Annual Forum on Business and Human Rights.

- Human rights due diligence processes and implementation have improved and are increasingly integrated into the business in leading companies. In our sector more companies have conducted corporate and site level human rights impact assessments and published information on processes and key findings (e.g. Freeport, Newmont).

- Over the last few years, we have seen the issue of the role of business in respecting and protecting the rights of human rights defenders and supporting civic space climb up the agenda. At ICMM we have engaged members on the relevance of these issues to the mining industry and on the appropriate role of mining companies. Mining companies and national mining associations are increasingly speaking out in support of the rule of law, open civil society and to condemn threats and attacks on people who oppose their activities. This issue is increasingly becoming integrated into human rights policies and due diligence.

UNGPs10+ – challenges for the next decade

- More still needs to be done on resolving company-community conflicts and on providing access to effective remedies.

- More needs to be done on ensuring the rights of vulnerable groups are respected and that their voices are heard in consultation and decision making, e.g. women, Indigenous Peoples, children, ethnic minorities.

- Whilst much progress has been made, companies still have more to do on integrating social performance and human rights into business decision making processes, so risks are avoided, mitigated and managed and opportunities to positively impact human rights taken forward. Part of this is finding better metrics for measuring social risks, impacts and progress.

- The impacts of COVID-19 risk reversing progress and have highlighted systemic inequalities and vulnerabilities in communities. It will be critical for governments and companies to maintain a focus on protecting and respecting human rights as we build forward better. ICMM has supported members as they respond to COVID-19 by working to improve the flow of information and best practice between them. ICMM, Business Fights Poverty and the Harvard Kennedy School of Government have also published Building Forward Better, practical tools and resources for the mining industry and other sectors to help guide them through the initial stages of the pandemic and lay the pathway for building forward to a more resilient future.

- Mining can and should play a role in strengthening social and economic resilience in mining communities, including through the promotion of diversity and inclusion. Our 'Skills for our Common Future' initiative (Skills Initiative) is a long-term aspirational social goal to accelerate national and regional efforts to build new, and bolster existing, skills that are necessary to drive inclusive economic participation and diversification beyond mining. This will be critically important as communities start to rebuild, and face future challenges including climate change, and economic transitions brought on by technological advances including automation and AI.

- It will be important to continue to clearly articulate the link between human rights and the wider sustainability agenda (e.g. SDGs) to support greater and more effective corporate action. Both in terms of helping companies to understand how their actions are contributing to respecting human rights, in helping to identify potential gaps and opportunities for further action and in helping to ensure that risks and impacts to people – as opposed to the company – remain front of mind.

- Considering how the business and human rights agenda can contribute to mitigating the climate crisis should be a key priority for the next decade.

International Organisation of Employers (IOE)
– UNGP@10 – insights and reflections

- The UN Guiding Principles have been a game changer. The uptake of the UN Guiding Principles in the last nine years by enterprises, international organisations, multi-stakeholder initiatives, governments has been very impressive. Within only nine years, Human Rights Due Diligence has become a major focus of companies, governments and international institutions. The UN Guiding Principles as authorative framework created clarity of the rules and responsibility of all actors and resulted in much more focused approach in the promotion of business and human rights.

- The importance of the UN Guiding Principles becomes clear if we look back to the CSR debate 15 years ago, in which we all struggled with the question what exactly CSR means and includes. The UN GPs created consensus that the bottom line is that companies must not harm people or communities. This means that they should take proactive steps to avoid being involved in human rights impacts and help put things right when they are involved in an impact.

- They also promoted transparency, because when there is consensus on the necessary action, companies more easy report on it. Moreover, because investors themselves have a responsibility under the UNGPs, they increasingly push the business and human rights agenda forward through their investment decisions. The UNGPs have triggered a chain-reaction.

- This does not mean that we have arrived already at our objectives. But it was it was never envisaged that after only nine years the issue of business and human rights would be settled. However, the great up take of the UN Guiding Principles and the very dynamic developments with regards to business and human rights show that we are on the right track and that we should continue this approach.

- Challenges that are still exist include for instance insufficient approaches to tackle the root causes of human rights violations. Companies are engaging in a particular legislative, economic and cultural context. Addressing the root causes of human rights challenges, such as poverty, weak governance & corruption is key to move also the business and human rights agenda forward.

- More than 60 percent of the global workforce is in the informal economy. It is there, in the informal economy, where the human rights risks are the highest. The need to address the informal sector is widely shared. However, action so far is rather limited. Without finding innovative ways to address the challenges of informality, progress to the better implementation of the UN Guiding Principles will be limited.

- Initiatives, such as the work of the Intergovernmental Working Group on a binding Treaty on Business and Human Rights, create divergence with the UN Guiding Principles and also absorb resources away from current implementation efforts. One important step would be to avoid unnecessary fragmentation, but a better focus on the implementation of the UNGPs.

- SMEs are the backbone of all economies. They have been insufficient approaches to support SMEs in their responsibility to respect human rights. Too often, approaches are not fully appreciating and reflecting on the specific needs and opportunities of SMEs.

UNGPs10+ challenges for the next decade

- We need to better connect the dots: Linking the Human Rights and the anti-corruption agendas, understanding that sustainable social protection systems will address extreme poverty and thereby reduce the risk for child and forced labour, strengthening judicial systems to improve access to remedies. We must break down the silos to develop comprehensive strategies to promote human rights and reach our societal goals as expressed in the agenda 2030.

- Pillar One of the Protect-Respect-Remedy, the state duty to protect human rights, remains an untapped opportunity. A focus going forward must be to strengthen accountability of governments with regards to the implementation of the UNGPs. National Action Plans must play a much bigger role in the promote of the UNGPs. Open and transparent processes in the development of NAPs, which include all stakeholders, are key for the success of NAPs.

- We need to find more innovative ways to reach our goals. As Einstein famously said, doing the same thing over and over again, but expecting different results does not make sense. One good example for innovative approaches is the Alliance 8.7, which brings together all actors – governments, social partners, civil society, UN - at international level and local level. It might be worthwhile to develop high-level competitions for innovative solutions for pressing human rights and societal challenges, such as informality and corruption.

- It will be important to enhance spillover effects, so that measures, which are taken in supply chains by companies, are, for instance, also empowering local administration. The aim is to ensure that systems are strengthened at local level so that even when a company leaves a market, changes which the companies triggered, will remain. Global Supply Chains are then used as an entry point for changing the realities on the ground not only with regards to the export economy, but also the purely domestic economy.

- More collective action will be key to address systemic issues. A company might identify certain human right risks through its due diligence, but to address and mitigate those risks deep down in the supply chain might be extremely challenging as an individual company. Human Rights are a pre-competitive issue and collaboration between companies, governments and other stakeholders will be much more likely to sustainably address these risks.

- We have seen, for instance, in the abolishment of the Kafala system in Qatar the importance and the opportunities of collective action at national and international level. Social Partners played a key role in this regard.

- A much more mature debate on human rights challenges is necessary, if we want to increase transparency. Companies, which are open and honest about their challenges, particularly deep down in supply chains, are still too often punished for their openness.

- All legal companies have the opportunity and responsibility to improve their human rights impact and contribute to the implementation of the UNGPs as well as the Agenda 2030. Excluding companies of certain sectors or because of other issues from joint action, peer-learning and the conversation will not help affected communities and groups, but in the contrary.

- A key issue remains to continue awareness raising and capacity building. Multipliers, such as employer and business organisations, play a key role in this regard, because they not only have the trust of their company members, but also because they reach the broad masses of companies.

Principles for Responsible Investment (PRI)
– UNGP@10 – insights and reflections

- In the past five years, approximately 115 institutional investors with more than US$13 trillion of assets under management (AUM) have engaged with 100 companies through PRI-led collaborative engagements to improve human rights practices and disclosure, using the UNGPs as the reference.

- According to reported information, more than 180 PRI signatories apply to their investment portfolios various forms of screening referencing the UNGPs and/or the OECD Guidelines.

- A growing number of companies are disclosing information through the UN Guiding Principles Reporting Framework – an initiative backed by 88 investors with US$5.3 trillion in AUM.

- The Corporate Human Rights Benchmark – an investor- and civil society-led initiative – assesses the human rights performance of more than 200 of the largest publicly traded companies.

- An investor call for governments to legislate on mandatory due diligence for companies led by the Investor Alliance for Human Rights is currently supported by 105 investors with US$5 trillion in AUM.

- The EU Taxonomy Regulation which classifies the types of economic activities that are in line with EU environmental goals also specify that such activity must comply with a set of minimum social and governance safeguards which are built on the UNGPs and OECD Guidelines for Multinational Enterprises to be termed sustainable.

UNGPs10+ challenges for the next decade

- For the coming years, the PRI will focus on five different areas:

- Human rights incorporation into investment practices - Support institutional investors with their implementation of the UNGPs through knowledge-sharing, case studies and other practical materials;

- Stewardship – Ensure that human rights due diligence is at the heart of investors' engagement activities with companies.

- Public policy – Promote policy measures which enable investors and investees to prevent and mitigate negative human rights outcomes – this includes appropriate accountability mechanisms for affected stakeholders;

- Human rights data – We need to reconcile UNGPs requirements with different types of investment strategies, and establish what the appropriate metrics and indicators are for identifying, monitoring and managing harm to people in portfolios;

- Investor accountability - Increase accountability among PRI signatories, by introducing human rights questions into the PRI Reporting Framework – initially on a voluntary basis.

Responsible Business Alliance (RBA)
– UNGP@10 – insights and reflections

The Responsible Business Alliance (RBA) welcomes the United Nations Working Group on Business and Human Rights' (UNWG) new global project "Business and human rights: towards a decade of global implementation" (UNGPs10+). The UNGPs10+ project is an opportunity to not only take stock of what has been accomplished to date but work collectively to build and scale tools and programs to further deepen responsible business practices in global supply chains to make a meaningful impact for people and planet.

The RBA has championed the UNGPs and other leading global standards, such as the ILO Declaration on Fundamental Principles and Rights at Work, the OECD Guidelines for Multinational Enterprises, and the OECD Due Diligence Guidance for Responsible Business Conduct, as frameworks that help companies embed human rights into business operations. The UNGPs in particular have helped identify and articulate a global consensus on human rights that both States and business enterprises can integrate into their operations.

As an industry body, the RBA has been advancing human rights due diligence by helping companies operationalize and implement due diligence into their operations and supply chains over the past 15 years. Via the RBA, companies can develop scalable solutions that have positive impacts on workers and the environment and drive continuous change and improvement.

This UNGP+10 project comes at a critical juncture as the global health pandemic (COVID-19) has demonstrated the need to build resiliency into global supply chains and ensure that the protection of workers and the environment are foremost priorities.

As the UNWG engages stakeholders in this important consultation, the RBA has organized preliminary input around the five themes outlined in the UNGP+10 Core Questions below.

- The past decade has seen a dramatic increase in awareness of responsible business conduct and human rights, and much of this driven by the UNGPs. The UNGPs have:
  - Provided a framework to help companies align their policies and practices
  - Helped clarify the role of business and the role of the state
  - Strengthened the need to provide access to remedy

- The UNGPs have helped companies understand where they may cause, contribute to or are directly linked to adverse human rights impacts and take appropriate action to actively engage, to enable remedy, apply leverage or, in cases where none of these actions are viable, disengage from business relationships.

- The RBA Code of Conduct, aligned to the UNGPs and other leading international standards, provides a baseline to help companies operationalize and implement due diligence into their operations and supply chains. The RBA provides members with a robust toolbox of resources including risk assessments, validated third-party assessments, corrective action plans and remediation assistance, verification and capacity-building.

UNGPs10+ challenges for the next decade

- While the UNGPs have done much to catalyze action, gaps and challenges remain. A key challenge is how to drive responsible business conduct deeper into supply chains and engage more companies, including small and medium-sized enterprises (SME). Working with industry and multi-stakeholder initiatives, companies with shared suppliers can collectively address human rights issues and apply market leverage that can be used to affect change. The next decade of the UNGPs needs to catalyze these efforts by encouraging companies to implement due diligence by identifying risks, mitigating negative impacts, providing remediation, and reporting. Given the complexity of supply chains and risks inherent in some markets, no supply chain is entirely issue-free. Companies fulfil their responsibilities through their commitment to continuous improvement and by remediating findings. Only when companies are encouraged to uncover issues and provide remediation to those whose rights may have been affected will supply chains meaningfully improve.

- Global supply chains are highly complex webs of business and trading relationships spread across numerous countries, drawing upon human and other resources that come from diverse regions with varying cultures, standards and government regulations. While business has an obligation to make efforts, it is unrealistic to expect companies by themselves to solve these complicated issues. Many companies have hundreds of customers and thousands of suppliers, and suppliers typically provide services to more than one industry sector. Many of the issues and conditions that lead to human rights abuses result from deep-rooted and underlying developmental challenges as well as lack of adequate human rights implementation from governments. These are all obstacles that need to be addressed to further drive implementation of the UNGPs. Encouraging and enabling governments to uphold their duty to "Protect Human Rights" aligned with the UNGPs is crucial.

- It is important that governments are further enabled to uphold their duty to "Protect Human Rights" aligned with the UNGPs. In light of the socio-economic conditions described above that exacerbate human rights risks in global supply chains, it is crucial to further develop local governments' responsibility to enforce worker protections as it is their responsibility under the UNGPs' "States Duty to Protect" pillar. Involving business in the implementation of these provisions and taking a gradual, partnership-based approach that demonstrates the benefits of responsible business conduct should be a part of the next decade of implementing the UNGPs.

- Strengthened public-private collaboration and dialogue are key to address root causes that lead to human rights abuses. Increased collaboration between public and private sectors are crucial toward identifying and tackling the root causes underlying human rights risks in global supply chains. Better governmental policies have the potential to solve issues at the source more effectively. Leveraging and expanding on existing dialogues in key markets and industries with leading inter-governmental organizations such as the OECD and ILO would be important.

- One of the most fundamental drivers for meaningful progress will be to build increased capacity to conduct due diligence across sectors. The RBA believes it is crucial to promote a step-by-step approach of continuous improvement whereby it is acknowledged that not all companies are at the same point in their journey toward conducting greater due diligence or adopting responsible business practices.

- Concerns of different natures, including factors relating to costs, resources and capacity, can be barriers to the smooth uptake of these practices as required by international standards. It is critical that companies are given time to design, develop and implement due diligence building on existing practices. It would be important to leverage existing systems and programs, as many capacity-building resources exist today and would benefit from wider dissemination through public-private partnerships.

United States Council for International Business (USCIB) – UNGP@10 – insights and reflections

- With a long-standing commitment to advancing the realization of human rights globally, the United States Council for International Business and our active membership base of some 300 multinational corporations, law firms and business associations firmly supports the globally recognized UN Guiding Principles on Business & Human Rights. Since their unanimous adoption by the UN Human Rights Council in 2011, recognition of the UNGPs as the leading global framework on business & human rights has been demonstrated through uptake and implementation which continues to grow. Some governments have made significant steps in addressing child and forced labor, as demonstrated in key U.S. Department of Labor Reports on the topic. The US business community has taken significant steps to implement the UNGPs not only in their practices, but as a part of their corporate cultures. Our Members are leaders in this regard, but progress at the small and medium-sized enterprise (SME) level globally has not been as deep.

- The COVID-19 pandemic has highlighted deep-rooted structural challenges underpinning the global economy, particularly in vulnerable middle- and lower-income countries. One of the greatest gaps continues to be weak rule of law in countries where human rights abuses are often most prevalent. For example, despite many States acceding to and ratifying important human rights and ILO labor conventions, actual implementation remains a challenge. Meaningfully addressing this concern must be our shared goal – now more than ever as we work to build back better after the COVID-19 pandemic. More needs to be done to deepen and strengthen the implementation of the UNGPs by governments and businesses – in particular national firms such as state-owned enterprises (SOEs) and SMEs. Additionally, more resources are required to ensure SMEs can demonstrate their responsibility to respect. SMEs account for 90% of the world's business and 50% of global formal employment. Worryingly, many of these SMEs are in the informal sector, where risks of exposure to labor rights and human rights violations are higher. We must find ways to integrate Pillar 2 and Pillar 3 into the organizational and operational cultures of SOEs and SMEs in a way that enhances the realization of human rights globally.

UNGPs10+ challenges for the next decade

- Continued obstacles for all stakeholders include deep-rooted and systemic challenges related to poverty and informality and corresponding lack of government capacity to pass, implement and effectively enforce national laws based on internationally recognized human and labor rights. For businesses, frequent lack of visibility beyond tier 1 of supply chains and inconsistent degrees of leverage within their supply chains constitute additional barriers to addressing fuller realization of the UNGPs. This is a core reason why added focus on Pillar 1 support and outreach to national firms (SOEs and SMEs) is critical.

- The lack of government capacity and/or will is a systemic challenge that requires our concerted efforts and resources. In the context of our shared recovery from the COVID-19 pandemic, this is even more urgent. Tackling corruption, under-resourced labor ministries and a lack of independent and well-functioning judicial systems must be prioritized. Furthermore, high levels of informality in developing countries increases vulnerabilities for workers and thus, must be addressed. Considering that the majority of the world's workers are employed in the informal sector, meaningfully addressing informality will require finding new ways to incentivize informal firms to formalize. Formalization would not only help advance human rights by bringing more national firms and workers under the umbrella of national labor law protection, but also – given the COVID-19 pandemic – lead to a more sustainable recovery by advancing workers' rights, good governance and responsible business conduct for SMEs and larger companies linked to them through business relationships.

- In terms of addressing Pillar 1, investments need to be made in capacity building, such as with respect to the ability of governments to collect and analyse key information such as data related to national enforcement of labor law through labor inspections. In this area, governments can work together through development assistance or horizontal cooperation, as well as with the support of public-private partnerships, to share resources, best practices and knowledge. Progress metrics to consider could include the number or size of investments made in key ministries such as labor ministries, reported data collection activities and numbers of remediation activities taken. Government public procurement regulations can also be used as a means of advancing human rights protections by positively incentivizing suppliers to adhere to labor rights and human rights standards.

- Regarding Pillar 2, broadening and strengthening implementation of the UNGPs by the business community is key, and therefore expanding implementation beyond large multinational corporations will be critical to achieve this important goal. Multilateral institutions can create tools and training programs that assist businesses, including SOEs and SMEs, in understanding and implementing the UNGPs. Businesses can and will work through multi-stakeholder initiatives and through individual company programs to train SME partners on responsible business conduct.

- Regarding Pillar 3, the promulgation by governments of sound national laws that meet international standards, effective enforcement of those national laws, and standing up well-resourced adjudicative and investigative bodies, coupled with strong anti-corruption programs, are the best means for the protection of human rights and for achieving meaningful access to remedy.