

# Denmark

Europe, 2023

On-going, 0%

Image  
Placeholder

## Business and human rights assessment

Organisation name

Respondent description

Brief description of the person(s) / organisation(s) making this submission.

Reviewer description

Brief description of the person(s) / organisation(s) performing the review of this submission.

**Published:**

## Survey Answers

### 1. LAWS AND REGULATIONS

This domain focuses on the adoption of legislation that requires businesses to conduct human rights due diligence and report on measures to identify and address human rights impacts. It should be noted that such legislation has emerged in the last decade in just a few jurisdictions, but it is expected that such regulatory developments will become more widespread. Even if not applicable to your country context at present, the resources in this domain can still be relevant especially because such laws might apply to certain multinational companies operating in your jurisdiction. Note that the traditional bodies of law governing business conduct such as labour law, environmental law, consumer protection are covered in domains 7-10. Note that other potentially relevant legislation for human rights, such as corporate governance and trade and investment regimes, are considered in domain 5 on policy coherence.

### Human Rights Due Diligence

#### 1.1. Did the State adopt laws or regulations requiring companies to conduct human rights due diligence in their operations, supply chains and/or value chains?

- Yes, the State adopted a human rights due diligence law
- 
- Yes, the State adopted more than one human rights due diligence law
- 
- No

**Status:** open

**Review status:** Not reviewed

### Guidance

Human rights due diligence is the process through which businesses identify, prevent, mitigate and account for the negative human

rights impacts of their activities or those linked to their business relationships, which can include joint venture partners, subsidiaries, subcontractors, suppliers. The process is outlined in Pillar II of the UNGPs. Laws and regulations on human rights due diligence can cover all or just a sub-set of human rights and apply to all or just a sub-set of companies. As of February 2022, several states (e.g. France, the Netherlands, Germany, Norway) adopted human rights due diligence laws. The question asks about the adoption of more than one human rights due diligence law to account, amongst others, for regulatory developments in federal States and regional jurisdictions such as the European Union, where law making can take place both at the national/state and supranational/federal level.

## Learn more

UN Office of the High Commissioner for Human Rights: Mandatory human rights due diligence (<https://www.ohchr.org/EN/Issues/Business/Pages/MandatoryHRDD.aspx>)

Business and Human Rights Resource Centre: Mandatory Human Rights Due Diligence Hub (<https://www.business-humanrights.org/en/big-issues/mandatory-due-diligence/>)

Read about the French Duty of Vigilance law (<http://www.bhrinlaw.org/key-developments/69-france>) and the Dutch Child Labour Duty Diligence law (<http://www.bhrinlaw.org/key-developments/66-netherlands>)

Danish Institute for Human Rights: Human rights due diligence (<https://globalnaps.org/issue/human-rights-due-diligence/>)

## What is the scope of the law or regulation?

- It applies only to businesses of a certain size based on number of employees or/and revenue

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- It applies only to businesses listed on the stock exchange

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- It applies only to businesses incorporated in the State's jurisdiction

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- It applies only to businesses operating in certain sectors

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- None of the restrictions above apply

**Status:** open

**Review status:** Not reviewed

## Guidance

*(This question should be answered if the respondent selects answer 'yes, the State adopted a human rights due diligence law' in question no 1).*

This question aims to assess whether there are any restrictions regarding the personal scope of the law, i.e. the type of companies covered by the law. The UN Working Group on Business and Human Rights, for example, recommends that due diligence laws should apply across supply and value chains and cover all companies incorporated or domiciled in a certain jurisdiction as well as foreign businesses selling goods or services in the relevant jurisdiction. However, to date, human rights due diligence laws usually apply to large businesses or to certain "high-risk" sectors. If other limitations than those listed in the response options apply, mention them in the comment box.

## Which human rights fall within the scope of the human rights due diligence obligation?

- The law mentions, at a minimum, the human rights included in the International Bill of Human Rights and the ILO Fundamental Labour Rights Conventions
- 
- The law mentions only a sub-set of human rights (e.g. child labour, forced labour, privacy and data protection)

**Status:** open

**Review status:** Not reviewed

### Guidance

*(This question should be answered if the respondent selects answer 'yes, the State adopted a human rights due diligence law' in question no 1).*

The question aims to assess whether the law covers all human rights or a sub-set of human rights such as labour rights or the rights of certain vulnerable groups such as children's rights. The UNGPs set out the expectation that businesses assess and address adverse impacts on the human rights included, at a minimum, in the International Bill of Human Rights and the ILO Fundamental Labour Rights Conventions.

## Does the law or regulation integrate a gender perspective?

- Yes
- 
- No

**Status:** open

**Review status:** Not reviewed

### Guidance

*(This question should be answered if the respondent selects answer 'yes, the State adopted a human rights due diligence law' in question no 1).*

The question aims to assess whether the law or regulation acknowledges the need to pay heightened attention to discrimination on grounds of sex, sexual orientation and gender identity. For example, the law could require businesses to collect gender-disaggregated data on its impacts, to treat issues related to sexual harassment and gender-based violence as risks of severe human rights impacts, to consult women and women's rights organisations and LGBTQI+ groups in the design of impact prevention and mitigation measures.

### Learn more

UN Working Group on Business and Human Rights: Gender Guidance (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/146/08/PDF/G1914608.pdf?OpenElement>) for the UNGPs in the 2019 annual report to the Human Rights Council

UN Office of the High Commissioner for Human Rights: Gender lens to the UNGPs (<https://www.ohchr.org/EN/Issues/Business/Pages/GenderLens.aspx>)

## Does the law or regulation establish civil liability for companies that are found in violation of their obligation?

Yes

No

**Status:** open

**Review status:** Not reviewed

### Guidance

*(This question should be answered if the respondent selects answer 'yes, the State adopted a human rights due diligence law' in question no 1).*

This question aims to assess whether the law specifies civil judicial mechanisms of redress in instances where businesses do not comply with the human rights due diligence law. Including civil liability provisions in such laws is critical to enabling access to remedy for human rights abuses. For example, under the French Duty of Vigilance Law a company may be liable if its failure to establish, implement and publish a so-called vigilance plan caused harm to fundamental freedoms, health and safety or the environment.

### Learn more

Danish Institute for Human Rights, Human rights due diligence laws: key considerations(<https://www.humanrights.dk/publications/human-rights-due-diligence-laws-key-considerations>)- briefing on civil liability for due diligence failures

## Does the law or regulation set out mechanisms for administrative supervision?

Yes, the law gives a body the power to investigate and sanction instances of non-compliance

Yes, the law gives a body the power to refer instances of non-compliance to judicial authorities and/or law enforcement bodies

Yes, the law gives a body the power to develop guidance and advice on the implementation of the law

No, the law does not foresee mechanisms for administrative supervision

**Status:** open

**Review status:** Not reviewed

### Guidance

*(This question should be answered if the respondent selects answer 'yes, the State adopted a human rights due diligence law' in question no 1).*

Administrative supervision can be an important instrument to ensure that companies within the scope of the law comply with the human rights due diligence obligation. The UN Working Group on Business and Human Rights has recommended that human rights due diligence laws should set out compliance, monitoring and enforcement procedures that facilitate access to effective justice and remedy. If you answer 'yes', use the comment box to provide information about the nature of the body tasked with supervision (e.g. an existing or new body); the type of sanctions it can impose (e.g. fines, administrative orders, revoking permits); whether it can accept information about non-compliance from third parties; any additional roles the body might have (e.g. mediation of disputes).

## Learn more

UN Office of the High Commissioner for Human Rights & Shift, Enforcement of mandatory due diligence: key design consideration for administrative supervision (<https://shiftproject.org/resource/enforcement-mhrdd-design/>)

### Please list the names of the human rights due diligence laws.

<input type="text"/>	Law 1
<input type="text"/>	Law 2

**Status:** open

**Review status:** Not reviewed

## Guidance

*(This question should be answered if the respondent selects answer 'yes, the State adopted more than human rights due diligence law' in question no 1).*

If there are more than two laws, please refer to those that had been adopted most recently.

### What is the scope of the law or regulation?

	Law 1	Law 2
It applies only to businesses of a certain size based on number of employees or/and revenue	<input type="checkbox"/>	<input type="checkbox"/>
It applies only to businesses listed on the stock exchange	<input type="checkbox"/>	<input type="checkbox"/>
It applies only to businesses incorporated in the State's jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>
It applies only to businesses operating in certain sectors	<input type="checkbox"/>	<input type="checkbox"/>
None of the restrictions above apply	<input type="checkbox"/>	<input type="checkbox"/>

**Status:** open

**Review status:** Not reviewed

## Guidance

*(This question should be answered if the respondent selects answer 'yes, the State adopted more than human rights due diligence law' in question no 1).*

This question aims to assess whether there are any restrictions regarding the personal scope of the law, i.e. the type of companies covered by the law. The UN Working Group on Business and Human Rights, for example, recommends that due diligence laws should apply across supply and value chains and cover all companies incorporated or domiciled in a certain jurisdiction as well as foreign businesses selling goods or services in the relevant jurisdiction. If other limitations than those listed in the response options apply, mention them in the comment box.

## Which human rights fall within the scope of the human rights due diligence obligation?

	Law 1	Law 2
The law mentions, at a minimum, the human rights included in the International Bill of Human Rights and the ILO Fundamental Labour Rights Conventions	<input type="checkbox"/>	<input type="checkbox"/>
The law mentions only a sub-set of human rights (e.g. child labour, forced labour, privacy and data protection)	<input type="checkbox"/>	<input type="checkbox"/>

**Status:** open

**Review status:** Not reviewed

### Guidance

*(This question should be answered if the respondent selects answer 'yes, the State adopted more than human rights due diligence law' in question no 1).*

The question aims to assess whether the law covers all human rights or a sub-set of human rights such as labour rights or the rights of certain vulnerable groups such as children's rights. The UNGPs set out the expectation that businesses assess and address adverse impacts on the human rights included, at a minimum, in the International Bill of Human Rights and the ILO Fundamental Labour Rights Conventions.

## Does the law or regulation integrate a gender perspective?

	Law 1	Law 2
Yes	<input type="radio"/>	<input type="radio"/>
No	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

### Guidance

*(This question should be answered if the respondent selects answer 'yes, the State adopted more than human rights due diligence law' in question no 1).*

The question aims to assess whether the law or regulation acknowledges the need to pay heightened attention to discrimination on grounds of sex, sexual orientation and gender identity. For example, the law could require businesses to collect gender-disaggregated data on its impacts, to treat issues related to sexual harassment and gender-based violence as risks of severe human rights impacts, to consult women and women's rights organisations and LGBTQI+ groups in the design of impact prevention and mitigation measures.

## Learn more

UN Working Group on Business and Human Rights: Gender Guidance(<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/146/08/PDF/G1914608.pdf?OpenElement>) for the UNGPs in the 2019 annual report to the Human Rights Council

UN Office of the High Commissioner for Human Rights: Gender lens to the UNGPs(<https://www.ohchr.org/EN/Issues/Business/Pages/GenderLens.aspx>)

### Does the law or regulation establish civil liability for companies that are found in violation of their obligation?

	Law 1	Law 2
Yes	<input type="radio"/>	<input type="radio"/>
No	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

## Guidance

*(This question should be answered if the respondent selects answer 'yes, the State adopted more than human rights due diligence law' in question no 1).*

This question aims to assess whether the law specifies civil judicial mechanisms of redress in instances where businesses do not comply with the human rights due diligence law. Including civil liability provisions in such laws is critical to enabling access to remedy for human rights abuses. For example, under the French Duty of Vigilance Law a company may be liable if its failure to establish, implement and publish a so-called vigilance plan caused harm to fundamental freedoms, health and safety or the environment.

## Learn more

Danish Institute for Human Rights, Human rights due diligence laws: key considerations(<https://www.humanrights.dk/publications/human-rights-due-diligence-laws-key-considerations>).

### Does the law or regulation set out mechanisms for administrative supervision?

	Law 1	Law 2
Yes, the law gives a body the power to investigate and sanction instances of non-compliance	<input type="checkbox"/>	<input type="checkbox"/>
Yes, the law gives a body the power to refer instances of non-compliance to judicial authorities and/or law enforcement bodies	<input type="checkbox"/>	<input type="checkbox"/>

Yes, the law gives a body the power to develop guidance and advice on the implementation of the law	<input type="checkbox"/>	<input type="checkbox"/>
No, the law does not foresee mechanisms for administrative supervision	<input type="checkbox"/>	<input type="checkbox"/>

**Status:** open

**Review status:** Not reviewed

## Guidance

*(This question should be answered if the respondent selects answer 'yes, the State adopted more than human rights due diligence law' in question no 1).*

Administrative supervision can be an important instrument to ensure that companies within the scope of the law comply with the human rights due diligence obligation. The UN Working Group on Business and Human Rights has recommended that human rights due diligence laws should set out compliance, monitoring and enforcement procedures that facilitate access to effective justice and remedy. If you answer 'yes', use the comment box to provide information about the nature of the body tasked with supervision (e.g. an existing or new body); the type of sanctions it can impose (e.g. fines, administrative orders, revoking permits); whether it can accept information about non-compliance from third parties; any additional roles the body might have (e.g. mediation of disputes).

## Learn more

UN Office of the High Commissioner for Human Rights & Shift, Enforcement of mandatory due diligence: key design consideration for administrative supervision (<https://shiftproject.org/resource/enforcement-mhrdd-design/>)

## Are there any legislative initiatives on human rights due diligence in your country?

Yes

No

**Status:** open

**Review status:** Not reviewed

## Guidance

*(Only applicable if the respondent selected answer 'no' in question no 1).*

This question aims to identify whether there are any legislative initiatives (e.g. a draft bill, legislative proposal) that seek to introduce human rights due diligence laws or regulations.

## Human Rights Reporting Laws

### 1.2. Did the State adopt a law or regulation requiring companies to report on steps taken to prevent and address human rights impacts in their operations,

## supply chains and/or value chains?

Yes

No

**Status:** open

**Review status:** Not reviewed

### Guidance

This question aims to identify whether there are any laws or regulations that require companies to report on measures taken to identify and address human rights risks. Examples of such laws include the California Transparency in Supply Chain Act(<https://oag.ca.gov/sites/all/files/agweb/pdfs/sb657/resource-guide.pdf>) (2012), the [\(\)](#)UK Modern Slavery Act(<https://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>) (2015, see part 6) and the Australian Modern Slavery Act(<https://www.legislation.gov.au/Details/C2018A00153>) (2018). If you have identified more than one relevant human rights reporting instrument, please focus on the one with the broader coverage (of rights and companies) for the follow up questions below. The comment box(es) can be used to provide information regarding the other applicable law(s). If there is no explicit human rights reporting instrument, check instead if there is a non-financial reporting law with implicit references to human rights, e.g. sustainability and/or environmental, social and governance (ESG) reporting law, and provide more details in the comment box.

### Learn more

Authoritative guidance on company human rights reporting in accordance with the UNGPs is provided by organisations such as the Global Reporting Initiative and Shift. Such guidance can be used to inform the adoption of human rights reporting laws.

The Global Reporting Initiative: Human Rights Standards(<https://www.globalreporting.org/standards/download-the-standards/>). See also this database(<https://www.carrotsandsticks.net/>) of existing instruments on sustainability reporting.

Shift: the UNGPs Reporting Framework(<https://www.ungpreporting.org/>)

Danish Institute for Human Rights: Non-financial reporting(<https://globalnaps.org/issue/non-financial-reporting/>)

## What is the scope of the law or regulation?

It applies only to businesses of a certain size based on number of employees or/and revenue

It applies only to businesses listed on the stock exchange

It applies only to business incorporated in the State's jurisdiction

It applies only to companies operating in certain sectors

None of the restrictions above apply

**Status:** open

**Review status:** Not reviewed

### Guidance

*(This question should be answered if the respondent selected answer 'yes' in question no 2)*

This question aims to assess whether there are any restrictions regarding the personal scope of the law, i.e. the type of companies covered by the law. According to the UNGPs, all businesses irrespective of size, sector and ownership should identify and address

their adverse human rights impacts, including by publicly communicating on measures taken to address these impacts. If other limitations than those listed in the response options apply, mention them in the comment box.

## Which human rights fall within the scope of the human rights reporting obligation?

- The law mentions, at a minimum, the human rights included in the International Bill of Human Rights and the ILO Fundamental Labour Rights Conventions
- The law mentions only a sub-set of human rights (e.g. child labour, forced labour, privacy and data protection)

**Status:** open

**Review status:** Not reviewed

### Guidance

*(This question should be answered if the respondent selected answer 'yes' in question no 2)*

The question aims to assess whether the law covers all human rights or sub-sets of human rights such as labour rights or the rights of certain vulnerable groups such as children's rights. The UNGPs set an expectation that businesses assess and address adverse impacts on the human rights included, at a minimum, in the International Bill of Human Rights and the ILO Fundamental Labour Rights Conventions.

## Does the law or regulation integrate a gender perspective?

- Yes
- No

**Status:** open

**Review status:** Not reviewed

### Guidance

*(This question should be answered if the respondent selected answer 'yes' in question no 2)*

The question aims to assess whether the law or regulation acknowledges the need to pay heightened attention to issues related to discrimination on grounds of sex, sexual orientation and gender identity. For example, the law could require businesses to include gender-disaggregated data in its reporting; to report on steps taken to ensure that women and women's rights organisations have been consulted during the identification of measures to address human rights risks.

### Learn more

UN Working Group on Business and Human Rights: Gender Guidance (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/146/08/PDF/G1914608.pdf?OpenElement>) for the UNGPs in the 2019 annual report to the Human Rights Council

UN Office of the High Commissioner for Human Rights: Gender lens to the UNGPs (<https://www.ohchr.org/EN/Issues/Business/Pages/GenderLens.aspx>)

## Does the law impose a sanction or penalty for companies that are found in violation of their reporting obligation?

Yes

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No

**Status:** open

**Review status:** Not reviewed

### Guidance

*(This question should be answered if the respondent selected answer 'yes' in question no 2)*

This question aims to assess whether the law provides for sanctions for non-compliance with the reporting obligation.

## 1.2 This field gives you the option to highlight certain aspects of the domain for follow-up.

Summary

**Status:** open

**Review status:** Not reviewed

## 2. POLICIES AND GUIDANCE

This domain focuses on policy measures, capacity building tools and guidance adopted by the State to promote the implementation of business and human rights standards.

### General

#### 2.1. Has the State adhered to or made a formal statement to implement the Organisation for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises?

Yes, the State adhered to the OECD Guidelines

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Yes, the state made a formal statement to implement the OECD Guidelines

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No

**Status:** open

**Review status:** Not reviewed

## Guidance

The OECD Guidelines for Multinational Enterprises, first adopted in 1976, is one of the first multilateral standards to address responsible business conduct. The OECD Guidelines are recommendations addressed by governments to multinational enterprises. They have been updated in 2011 to align with the UNGPs and include expectations that multinational companies implement responsible business conduct due diligence. A country can either adhere to the Guidelines (if an OECD country) or make a formal statement to implement the Guidelines (for non-OECD countries).

## Learn more

The OECD Guidelines are supported by a unique implementation mechanism of National Contact Points agencies established by adhering governments to promote and implement the Guidelines. External stakeholders can make complaints to National Contact Points about adverse human rights impacts by businesses. Read more about the National Contact Points, the OECD Guidelines and the OECD guidance on due diligence:

National Contact Points for the OECD Guidelines for Multinational Enterprises(<https://www.oecd.org/corporate/mne/ncps.htm>)

OECD Guidelines on Multinational Enterprises(<https://www.oecd.org/corporate/mne/>)

OECD Due Diligence Guidance for Responsible Business Conduct(<https://www.oecd.org/investment/due-diligence-guidance-for-responsible-business-conduct.htm>)

## 2.2. Has the State adopted a National Action Plan on Business and Human Rights or another policy comprising business and human rights measures?

- Yes, the state adopted a national action plan on business and human rights
- 
- Yes, the state adopted other policies or national action plans that incorporate business and human rights measures, e.g. action plan or policy on human rights; on responsible business conduct; on Sustainable Development Goals
- 
- No

**Status:** open

**Review status:** Not reviewed

## Guidance

National Action Plans on Business and Human Rights are policy documents in which a government articulates priorities and actions that it will adopt to support the implementation of the UNGPs. Commitments to implement the UNGPs can also be included in separate policy documents such as National Action Plans on Human Rights. If the state only committed to or is in the process of development of a National Action Plan, provide that information in the comment box.

## Learn more

The UN Human Rights Council: Resolution 26/22(<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/083/82/PDF/G1408382.pdf?OpenElement>) on Human rights and transnational corporations and other business enterprises

The UN Working Group on Business and Human Rights: Guidance on National Action Plans on Business and Human Rights([https://www.ohchr.org/Documents/Issues/Business/UNWG\\_NAPGuidance.pdf](https://www.ohchr.org/Documents/Issues/Business/UNWG_NAPGuidance.pdf))

Danish Institute for Human Rights: National Action Plans on Business and Human Right(<https://globalnaps.org/>)

## Has the State taken any of the following measures in respect to the policy?

- Conducted a baseline assessment on legal and policy gaps in the area of business and human rights

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- Conducted multi-stakeholder consultations

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- Allocated resources for its implementation

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- Designated responsibility for implementation to concrete government bodies

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- Regularly reviewed the implementation of the policy and reported on progress on implementation

**Status:** open

**Review status:** Not reviewed

### Guidance

*(This question should be answered if the respondent selected one of the 'yes' answer options in question no 2.2)*

This question aims to assess whether the policy document was developed in a legitimate, inclusive, effective and participatory manner and is based on available guidance on the development of National Action Plans, such as the Guidance on National Action Plans on Business and Human Rights ([https://www.ohchr.org/Documents/Issues/Business/UNWG\\_NAPGuidance.pdf](https://www.ohchr.org/Documents/Issues/Business/UNWG_NAPGuidance.pdf)) from the UN Working Group on Business and Human Rights.

## Has the State included a gender perspective in the development and implementation of the policy?

- Yes, the state included women's rights and LGBTQI+ organisations in the process

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- Yes, the policy includes action points on women's rights, gender equality, non-discrimination on the basis of sex, sexual orientation and gender identity

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- No

**Status:** open

**Review status:** Not reviewed

### Guidance

*(This question should be answered if the respondent selected one of the 'yes' answer options in question no 2.2)*

The question aims to assess whether the policy document – in the process of its development as well as in relation to its content – considers the differentiated impacts of businesses on individuals based on their sex, sexual orientation and gender identity.

#### Learn more

UN Working Group on Business and Human Rights: Gender dimensions of the UNGPs (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/146/08/PDF/G1914608.pdf?OpenElement>)

Danish Institute for Human Rights: Gender and Women's Rights (<https://globalnaps.org/issue/gender-womens-rights/>)

## 2.3. Since 2011, has any of the following State institutions developed guidance, tools and trainings and/or other initiatives to support the business uptake of the UNGPs?

- Ministry of Economy

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- Ministry of Environment

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- Ministry of Labour, including labour administration and inspection authorities

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- Ministry of Foreign Affairs and Embassies

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- Ministry of Women or other body dealing with gender equality

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- Trade and investment promotion agencies

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- Development cooperation agencies

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- Financial regulatory authority (e.g. Securities Commission, Financial Authority)

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- Public procurement bodies

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- Consumer protection authority

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- National Human Rights Institution and Ombudspersons

**Status:** open

**Review status:** Not reviewed

### Guidance

This question seeks information on actions and/or measures taken by state institutions to raise awareness and build the capacity of businesses on human rights. According to the UNGPs, such guidance should advise on the implementation of human rights due diligence and how to consider issues of gender, vulnerability and/or marginalisation. The guidance can target companies in one sector or companies more broadly. See, for example, this guidance for the commodity trading sector ([https://www.seco.admin.ch/seco/en/home/Publikationen\\_Dienstleistungen/Publikationen\\_und\\_Formulare/Aussenwirtschafts/broschueren/Guidance\\_on\\_Implementing\\_the\\_UN\\_Guiding\\_Principles\\_on\\_Business\\_and\\_Human\\_Rights.html](https://www.seco.admin.ch/seco/en/home/Publikationen_Dienstleistungen/Publikationen_und_Formulare/Aussenwirtschafts/broschueren/Guidance_on_Implementing_the_UN_Guiding_Principles_on_Business_and_Human_Rights.html)) in Switzerland and the guidance developed through the sectoral-level agreements (<https://www.government.nl/topics/responsible-business-conduct-rbc/responsible-business-conduct-rbc-agreements>) on responsible business conduct in the Netherlands.

### Learn more

Intergovernmental organisations developed relevant guidance on different human rights issues areas for business enterprises.

Some examples are included below:

OECD Guidance (<http://mneguidelines.oecd.org/child-labour-risks-in-the-minerals-supply-chain.htm>) on worst forms of child labour in mineral supply chains

OECD Guidance (<http://mneguidelines.oecd.org/responsible-supply-chains-textile-garment-sector.htm>) on responsible supply chains in the garment and footwear sector

OECD Guidance (<https://mneguidelines.oecd.org/stakeholder-engagement-extractive-industries.htm>) for meaningful stakeholder engagement in the extractive sector

European Commission sector guides ([https://ec.europa.eu/anti-trafficking/publications/european-commission-sector-guides-implementing-un-guiding-principles-business-and-hum-0\\_en](https://ec.europa.eu/anti-trafficking/publications/european-commission-sector-guides-implementing-un-guiding-principles-business-and-hum-0_en)) on implementing the UNGPs

## 2.4. This field gives you the option to highlight certain aspects of the domain for follow-up.

Summary

**Status:** open

**Review status:** Not reviewed

## 3. STATE-BUSINESS NEXUS

The 'state-business nexus' concept is used in principles 4-6 of the UNGPs and has informed the development of questions in this domain. This domain focuses on measures to protect human rights when the State is closely related to businesses, such as when it owns or controls certain enterprises, provides financial and other type of support to enterprises, oversees the privatization of essential services (healthcare, water, housing) and sources goods and services through public procurement.

### State owned enterprises and supported institutions

#### 3.1. Does the State set an expectation that state-owned enterprises should respect human rights, including by conducting human rights due diligence?

- Yes, there are legal requirements on respect for human rights for all or certain state-owned enterprises

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- Yes, there are policy expectations on respect for human rights for all or certain state-owned enterprises

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- Yes, the State has developed guidance for all or certain state-owned enterprise on respect for human rights

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- No

**Status:** open

**Review status:** Not reviewed

### Guidance

To answer this question, consult state ownership policies or legal instruments governing the creation of state-owned enterprises. Note that such policies/legal instruments might only cover a sub-set of human rights such as women's rights, e.g. state owned enterprises might be expected to reach gender parity in terms of representation in decision making bodies, disclose data on gender pay gap and adopt policies to combat sexual harassment. Use the comment box to provide more details.

### Learn more

UN Working Group on Business and Human Rights: Report to the UN Human Rights Council(<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/091/71/PDF/G1609171.pdf?OpenElement>) on state owned enterprises. The report provides recommendations on how a State should align its ownership model with international human rights obligations and includes good practices from across the world.

Danish Institute for Human Rights: State Owned Enterprises(<https://globalnaps.org/issue/state-owned-enterprises-public-private-partnerships/>)

### 3.2. Does the State set an expectation that any of the following State supported or controlled financial institutions should respect human rights, including by conducting human rights due diligence?

	Public pension funds	Sovereign wealth fund	Export credit agency	Development finance institution
Yes, there are legal requirements on respect for human rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Yes, there are policy expectations on respect for human rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Yes, the State developed guidance on respect for human rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No, there are no such expectations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Status:** open

**Review status:** Not reviewed

#### Guidance

Not all of these financial institutions might exist in your country in which case only answer the questions pertaining to those institutions that you can identify in your jurisdiction. Please use the comment box to provide the name of the institution(s) and a link to its website (if available). If the institution doesn't exist in your country, select not applicable.

#### Learn more

All of these financial institutions can be linked to adverse human rights impacts through their investments in other companies. Export credit agencies provide government-backed loans, guarantees and insurance to domestic businesses to operate in emerging markets. In general, export credit agencies benefit from state support such as political risk guarantees and other forms of subsidies. Development finance institutions invest in private sector projects in developing countries. In general, development finance institutions benefit from state support such as capital replenishments, political risk guarantees and other forms of subsidies. Some of the largest development finance institutions are based in the OECD states and include FMO (<https://www.fmo.nl/>) (the Dutch development finance institution), British International Investment (<https://www.bii.co.uk/en/>) (the UK development finance institution), DFC (<https://www.dfc.gov/>) (US development finance institution). All of these institutions have a responsibility to respect human rights and conduct human rights due diligence according to Pillar II of the UNGPs irrespective of whether the State requires them to do so. The resources below include guidance and resources on how these institutions should integrate human rights due diligence into their activities and investments.

OECD: Responsible business conduct for institutional investors (<https://www.oecd.org/industry/inv/mne/RBC-for-Institutional-Investors.pdf>)

OECD: Recommendation on Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence (<https://www.oecd.org/trade/topics/export-credits/environmental-and-social-due-diligence/>). This recommendation, applicable to OECD member states, sets expectations, including on human rights, for export credit agencies

The Office of the High Commissioner for Human Rights: Development Finance Institutions (<https://www.ohchr.org/EN/Issues/Development/Pages/DFI.aspx>)

## Essential and privatised public services

### 3.3. Has the state taken measures to ensure that businesses providing healthcare services do not adversely impact the availability, accessibility, acceptability and quality of those services?

- Yes, the state adopted a regulatory framework that imposes public service obligations on commercial providers

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- Yes, the state assessed the human rights impacts of healthcare privatisation and included human rights requirements in relevant service contracts or enabling legislation

---

- Yes, the state adopted oversight, monitoring and sanctioning mechanisms to ensure commercial providers act in accordance with a set of minimum standards on the quality of healthcare

---

- Yes, the state has increased its investments in the public healthcare sector to avoid forcing patients to resort to commercial providers

---

- Yes, the state has taken measures to eliminate potential disparities between public and private providers which contribute to inequality

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- Yes, the state has taken measures to ensure that private health insurance does not impinge on access to healthcare (e.g. by imposing unreasonable eligibility conditions)

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- Yes, the state has taken other measures (please explain in the comment box)

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- No, the state hasn't taken any notable measures

**Status:** open

**Review status:** Not reviewed

#### Guidance:

The right to the highest attainable standard of health is an internationally recognised human right. When healthcare services are privatised and/or when healthcare is provided by commercial providers, the State should ensure that businesses do not adversely impact the availability, accessibility, acceptability and quality of health by e.g. not respecting ethical standards and the rights of patients, increasing the cost of healthcare, refusing patients free access to emergency treatment. In the human rights framework availability refers to whether facilities, goods and services are available in sufficient quantities and continuous supply; accessibility refers to whether services are accessible to everyone in terms of non-discrimination, physical accessibility, economic accessibility; acceptability refers to whether the services are respectful of cultural differences and sensitive to gender, age, disability, and other markers of difference; and quality refers to whether services are evidence based and scientifically and medically appropriate. Commercial providers can include different actors such as private insurance providers as well as institutions managing and delivering healthcare services. Their involvement in healthcare can range from direct provision of services, to building infrastructure to the financing of healthcare. To narrow down the scope of research, you can consider answering this question in respect to one actor and/or one modality of involvement in healthcare provision.

#### Learn more

Office of the High Commissioner for Human Rights: The right to health(<https://www.ohchr.org/EN/Issues/ESCR/Pages/Health.aspx>)

Danish Institute for Human Rights: Privatisation(<https://globalnaps.org/issue/privatisation/>)

Danish Institute for Human Rights: Health and social care(<https://globalnaps.org/issue/health/>)

### 3.4. In the last 5 years, have there been reports that businesses providing healthcare services had adverse impacts on the availability, accessibility, acceptability and quality of those services?

- Yes, there have been reports of systematic and/or widespread abuses, or allegations of abuses

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- Yes, there have been reports of sporadic abuses, or allegations of abuses

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- No, no reports or cases known

**Status:** open

**Review status:** Not reviewed

#### Guidance

Please carry out a desk-based research of relevant public sources including international and national NGOs, official court statistics, academics, and recommendations and reports by UN and regional human rights bodies.

If the abuses are primarily connected to certain companies such as state owned enterprises, transnational companies, SMEs, companies from certain home states, please indicate that in the comment box.

Relevant international sources to consult for answering this question include:

The UN universal human rights index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights bodies on the right to health, including in respect to the obligation to protect against adverse business impacts.

The Business and Human Rights Resource Centre(<https://www.business-humanrights.org/en/latest-news/?&language=en>), an NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.

The Global Initiative for Economic, Social and Cultural Rights(<https://www.gi-escr.org/private-actors-social-services/educationhttps://www.gi-escr.org/private-actors-social-services/education>), an international NGO working on the provision of essential services by private actors.

### 3.5. Has the State taken measures to ensure that businesses providing education services do not adversely impact the quality of those services?

- Yes, the state adopted a regulatory framework that imposes public service obligations on commercial providers

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- Yes, the state adopted oversight, monitoring and sanctioning mechanisms to ensure that commercial providers act in accordance with a set of minimum standards on the quality of education

---

- Yes, the state has increased its investments in the public education sector to avoid forcing parents/students to resort to private schools

---

- Yes, the state has taken measures to eliminate potential disparities between private and public schools which contribute to inequality

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- Yes, the state has taken measures to ensure that the marketing practices of commercial providers are not misleading

---

Yes, the state has taken other measures (please explain in the comment box)

---

No, the state hasn't taken any notable measures

**Status:** open

**Review status:** Not reviewed

## Guidance

The right to education is an internationally recognised human right which includes, amongst others, the right to free and compulsory primary education and the right to quality education both in public and private schools. When education services are privatised and/or when education is provided by commercial providers, States should ensure that those businesses do not adversely impact the right to education by e.g. undermining the availability and quality of public education, by increasing inequalities, by not respecting standards regarding the quality of education to maximize profitability. In human rights law, the quality of education is a function of its availability (e.g. sufficient number of teaching staff with the adequate skills, qualification, training; adequate curricula; adequate sanitation facilities), accessibility (e.g. education system is not discriminatory and is physically and economically accessible), acceptability (e.g. curricula and teaching methodologies are culturally appropriate; schools are safe), and adaptability (e.g. education is flexible and responds to the changing needs of societies). In 2019, human rights experts adopted the Abidjan Principles (<https://www.abidjanprinciples.org/en/principles/overview>) on the human rights obligations of States to provide public education and to regulate private involvement in education. Principle 4 of that document include a set of minimum standards applicable to private educational institutions that can be used to guide your research for this question. To narrow down the scope of research, you can consider focusing only on one education level (i.e. primary, secondary, tertiary) depending on where commercial providers are most present in your country.

## Learn more

UN Special Rapporteur on the right to education: Report to the UN Human Rights Council on the right to education (<https://undocs.org/A/HRC/41/37>) in the context of the growth of private actors in education

UN Special Rapporteur on the right to education: Abidjan Principles (<https://www.ohchr.org/EN/Issues/Education/SREducation/Pages/PrivatisationCommodification.aspx#principles>) on the Human Rights Obligations of States to provide public education and to reregulate private involvement in education

The Global Initiative for Economic, Social and Cultural Rights, Private actors & education (<https://www.gi-escr.org/private-actors-social-services/education>)

### 3.6. In the last 5 years, have there been reports that businesses providing education services had adverse impacts on the quality of those services?

Yes, there have been reports of systematic and/or widespread abuses, or allegations of abuses

---

Yes, there have been sporadic abuses, or allegations of abuses

---

No, no reports or cases known

**Status:** open

**Review status:** Not reviewed

## Guidance

Please carry out a desk-based research of relevant public sources including international and national NGOs, official court statistics, academics, and recommendations and reports by UN and regional human rights bodies.

If the abuses are primarily connected to certain companies such as state owned enterprises, transnational companies, SMEs,

companies from certain home states, please indicate that in the comment box.

Relevant international sources to consult for answering this question include:

The UN universal human rights index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights bodies on the right to education, including in respect to the obligation to protect against adverse business impacts.

The Business and Human Rights Resource Centre(<https://www.business-humanrights.org/en/latest-news/?&language=en>), an NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.

The Global Initiative for Economic, Social and Cultural Rights(<https://www.gi-escr.org/private-actors-social-services/educationhttps://www.gi-escr.org/private-actors-social-services/education>), an international NGO working on the provision of essential services by private actors.

### 3.7. Has the State taken measures to ensure that businesses providing water and sanitation services do not adversely impact the availability, accessibility, acceptability and quality of those services?

- Yes, the state adopted a regulatory framework that imposes public service obligations on commercial providers

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- Yes, the state included human rights requirements in service contracts (e.g. development of targets related to quality, accessibility, acceptability, affordability, safety; prohibition of retrogressive measures such as disconnecting users unable to pay)

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- Yes, the state assessed the human rights impacts of the privatisation of water provision and explored alternatives to choose the type of provision most suitable for the realisation of the right to water

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- Yes, the state adopted oversight, monitoring and sanctioning mechanisms to ensure that commercial providers act in accordance with a set of minimum standards on the quality of service provision

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- Yes, the state has taken other measures (please explain in the comment box)

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- No, the state hasn't taken any notable measures

**Status:** open

**Review status:** Not reviewed

### Guidance

The right to water and sanitation is an internationally recognised human right. When water services are privatised and/or when water is provided by commercial providers, the State should ensure that businesses do not adversely impact the availability, accessibility, acceptability and quality of water. In the human rights framework, availability refers to whether the water supply for personal and domestic use is available in sufficient quantities; accessibility refers to whether water and water facilities and services are accessible to everyone in the sense of non-discrimination, physical accessibility, economic accessibility; acceptability refers to whether the water facilities and services are culturally appropriate and sensitive to gender and privacy requirements; and quality refers to whether the water for personal or domestic use is safe and of acceptable colour and taste.

### Learn more

The UN Special Rapporteur on the human rights to water and sanitation: Report on privatisation and the human rights to water and sanitation(<https://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWWater/Pages/PrivateSectorParticipation.aspx>) prepared for the UN general Assembly

### 3.8. In the last 5 years, have there been reports that businesses providing water and sanitation services had adverse impacts on the availability, accessibility, acceptability and quality of those services?

- Yes, there have been reports of systematic and/or widespread abuses, or allegations of abuses
- 
- Yes, there have been reports of sporadic abuses, or allegations of abuses
- 
- No, no reports or cases known

**Status:** open

**Review status:** Not reviewed

#### Guidance

This question aims to assess the extent to which privatisation of water is a salient human rights issue in your country. Please carry out a desk-based research of relevant public sources including international and national NGOs, official court statistics, academics, and recommendations and reports by UN and regional human rights bodies.

If the abuses are primarily connected to certain companies such as state owned enterprises, transnational companies, SMEs, companies from certain home states, please indicate that in the comment box.

Relevant international sources to consult for answering this question include:

The UN human rights database (<https://uhri.ohchr.org/en/search-human-rights-recommendations>), where you can find whether the state received recommendations from the UN human rights bodies on the right to water and sanitation, including in respect to the obligation to protect against adverse business impacts.

The Business and Human Rights Resource Centre (<https://www.business-humanrights.org/en/latest-news/?&language=en>), a NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.

The Global Initiative for Economic, Social and Cultural Rights (<https://www.gi-escr.org/private-actors-social-services/water>), an international NGO working on the provision of essential services by private actors.

### 3.9. Has the State taken measures to ensure that businesses that are contracted to provide public services do not adversely impact human rights?

- Yes
- 
- No

**Status:** open

**Review status:** Not reviewed

#### Guidance

This question is relevant if you would like to provide additional information on other public services provided by businesses in your country (e.g. social housing, reception of asylum seekers, detention, public transportation). Please specify which services you are referring to in the comment box.

### 3.10. In the last 5 years, have there been human rights abuses, or allegations of abuses, linked to businesses contracted to provide public services?

- Yes, there have been systematic and/or widespread abuses, or allegations of abuses
- 
- Yes, there have been sporadic abuses, or allegations of abuses
- 
- No, no cases known

**Status:** open

**Review status:** Not reviewed

#### Guidance

This question should be answered in respect to the service you mentioned in the previous question. Please carry out a desk-based research of relevant public sources including international and national NGOs, official court statistics, academics, and recommendations and reports by UN and regional human rights bodies.

If the abuses are primarily connected to certain companies such as state owned enterprises, transnational companies, SMEs, companies from certain home states, please indicate that in the comment box.

Relevant international sources to consult for answering this question include:

The UN universal human rights index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights bodies on relevant issues (e.g. private provision of housing, security services)

The Business and Human Rights Resource Centre(<https://www.business-humanrights.org/en/latest-news/?&language=en>), an NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.

## Public Procurement

### 3.11. Are public agencies required to take any of the following measures on human rights during procurement processes?

	Yes	No
Use of tender requirements and/or contract clauses requiring companies to comply with human rights	<input type="radio"/>	<input type="radio"/>
Exercise of leverage over suppliers in cases of non-compliance with human rights clauses, including withholding of payments, fines, cancellation of a contract, etc.	<input type="radio"/>	<input type="radio"/>
Preferential treatment of businesses that demonstrate respect for human rights	<input type="radio"/>	<input type="radio"/>
Exclusion from bidding processes of businesses with a track record of poor respect of human rights	<input type="radio"/>	<input type="radio"/>
Targeted public procurement to advance specific human rights objectives, such as supporting women owned enterprises	<input type="radio"/>	<input type="radio"/>
Other measures (please explain in the comment box)	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

## Guidance

Public procurement refers to the process by which governmental or local authorities purchase work, goods or services from businesses. This question aims to assess the extent to which public procurement agencies are required— either through legal instruments or policy guidance – to promote human rights when sourcing goods and services from businesses. If relevant, use the comment box to provide additional information such as whether public agencies have adequate resources and capacity to conduct human rights monitoring of their suppliers; whether the human rights measures are tied to contract amount; whether the human rights measures apply only to certain suppliers (in certain sectors, countries). The data collected can be used to respond to the global SDG indicator 12.7.1: *Degree of sustainable public procurement policies and action plan implementation.*

## Learn more

The scope of goods and services bought by public authorities ranges widely, from large-scale infrastructure and urban development projects, to the acquisition of complex items such as weapon systems, to buying common goods such as stationery, furniture, and foodstuffs. In many states, public procurement contracts account for a significant share of GDP and is a substantial component of the overall economy. Read more about human rights and public procurement below.

Danish Institute for Human Rights: Driving Change through Public Procurement(<https://www.humanrights.dk/publications/driving-change-through-public-procurement/>). A toolkit on human rights for policy makers and public buyers

Danish Institute for Human Rights: Public Procurement(<https://globalnaps.org/issue/public-procurement/>)

### 3.12. In the last 5 years, have there been human rights abuses, or allegation of abuses, connected to the procurement of goods and services by State agencies?

- Yes, there have been systematic and/or widespread abuses, or allegations of abuses

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- Yes, there have been abuses, or allegations of abuses, connected to the procurement of certain goods and services

---

- Yes, there have been sporadic abuses, or allegations of abuses

---

- No, no cases known

**Status:** open

**Review status:** Not reviewed

## Guidance

This question aims to assess the extent to which the state procurement processes have been linked to businesses involved in human rights abuses. To answer it, please carry out a desk-based research of relevant public sources including international and national NGOs, academics, and recommendations and reports by UN and regional human rights bodies. Relevant international sources to consult for answering this question include:

The Business and Human Rights Resource Centre(<https://www.business-humanrights.org/en/latest-news/biicl-report-recommendations-for-business-when-natl-law-conflicts-with-intl-human-rights-standards/>), an NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.

### 3.13. This field gives you the option to highlight certain aspects of the domain for follow-up.

Summary

**Status:** open

**Review status:** Not reviewed

## 4. CONFLICT AFFECTED AREAS

This domain focuses on State measures to prevent and address business-related abuses in conflict and post-conflict contexts. The questions will be particularly relevant if your country has experienced conflict and security challenges, and if companies headquartered in your country operate abroad in conflict affected areas. Conflict-affected and high-risk areas is a broad term used to refer to situations of armed conflict, genocide and crimes against humanity, high levels of political volatility and insecurity caused by regime change, disputes over power transfers, conflicts in neighbouring countries/regions, sustained protests and riots, peacebuilding, etc.

### General

#### 4.1. Has the State signed or made a formal statement of support to the following soft law standards and initiatives on human rights and private security?

	Yes	No
Voluntary Principles on Security and Human Rights;	<input type="radio"/>	<input type="radio"/>
Montreux Document on Pertinent International Legal Obligations and Good Practices for states related to operations of private military and security companies during armed conflict;	<input type="radio"/>	<input type="radio"/>
International Code of Conduct for Private Security Service Providers	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

### Guidance

Because private security providers are more likely to be exposed to the risk of involvement in gross human rights abuses, this question aims to assess whether the State has committed to any of the global soft law standards and multi-stakeholder initiatives that aim to ensure private security companies operate with respect for human rights.

### Learn more

The Voluntary Principles on Security and Human Rights is a multi-stakeholder initiative (formed of governments, businesses and civil society organisations) that helps companies understand the environment they are operating in, identify security-related human rights risks, and take meaningful steps to address them. More information is available here (<https://www.voluntaryprinciples.org/>).

The Montreux Document on private military and security companies is an intergovernmental document that aims to promote respect for international humanitarian law and human rights law whenever private military and security companies are present in armed conflicts. More information is available here ([https://www.icrc.org/en/doc/assets/files/other/icrc\\_002\\_0996.pdf](https://www.icrc.org/en/doc/assets/files/other/icrc_002_0996.pdf)).

The International Code of Conduct for Private Security Service Providers articulates responsibilities of private security companies under human rights and international humanitarian law to ensure the responsible provision of private security services, particularly when operating in complex environments. The International Code of Conduct Association serves as the governance and oversight mechanism of the Code. More information is available here (<https://icoca.ch/about/>).

Danish Institute for Human Rights, Conflict-affected areas (<https://globalnaps.org/issue/conflict-affected-areas/>)

## 4.2. Has the State taken any measures to ensure that businesses operating in conflict affected areas are not involved with human rights abuses?

- Yes, the state adopted legal and regulatory measures

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- Yes, the state adopted policy measures

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- Yes, the state adopted awareness raising and capacity-building measures

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- No

**Status:** open

**Review status:** Not reviewed

### Guidance

Use the comment box to provide examples of any of these measures. These measures could include: legal requirements and/or guidelines on due diligence and transparency in respect to the use and sourcing of minerals linked to conflict (see the EU Conflict Minerals Regulation (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2017:130:TOC>)); providing good office services to mediate disputes between national companies and communities in conflict affected areas; human rights guidelines for private security providers in conflict affected areas, etc. Please note that women are at a disproportionate risk of human rights abuses, such as sexual harassment and gender-based violence, in conflict related areas.

### Learn more

UN Working Group on Business and Human Rights: Report on business, human rights and conflict affected regions (<https://undocs.org/en/A/75/212>) prepared for the General Assembly

## 4.3. In the last 5 years, have there been gross human rights abuses, or allegations of abuses, by businesses headquartered and/or operating in your country as result of their involvement in conflict affected settings?

- Yes, there have been investigations and/or court cases against companies

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- Yes, there have been allegations made by civil society organisations and other third parties

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- No, no cases known

**Status:** open

**Review status:** Not reviewed

## Guidance

The worst forms of human rights abuses tend to happen in conflict affected areas. 'Serious' or 'gross' human rights abuses is not an offence defined by international human rights law but generally refer to abuses that pose a serious risk to human lives, security and livelihoods and can, under certain circumstances, amount to international crimes and breaches of international humanitarian law (e.g. forced displacement, pillaging of assets and property, production and transfer of banned weapons such as anti-personnel landmines or biological weapons). Please carry out a desk-based research of relevant public sources including international and national NGOs, official court statistics, academics, and recommendations and reports by UN and regional human rights bodies.

Relevant international sources to consult for answering this question include:

The UN universal human rights index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights bodies on the duty to protect against serious human rights abuses by businesses. By using the search function in the Index you could filter results by themes such as "business and human rights", "international criminal & humanitarian law", "right to life".

The Business and Human Rights Resource Centre(<https://www.business-humanrights.org/en/latest-news/?&language=en>), an NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.

## 4.4. This field gives you the option to highlight certain aspects of the domain for follow-up.

Summary

**Status:** open

**Review status:** Not reviewed

# 5. ENSURING POLICY COHERENCE

The concept of 'policy coherence' is used in principles 8-10 of the UNGPs to highlight the need for consistency between policies and regulations across different State departments, agencies and institutions with a business related mandate to ensure that all are aware of and observe State's human rights obligations. This domain includes questions to assess the extent to which different State institutions that might have a mandate to oversee business conduct have been sensitised to and/or capacitated on human rights as well as the level of alignment of trade, investment and corporate governance regimes with human rights.

## General

### 5.1. Since 2011, has any of these State institutions developed guidance on business and human rights for their staff?

	Yes	No	Not applicable
Ministry of Economy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ministry of Environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ministry of Labour, including labour administration and inspection authorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ministry of Justice, the judiciary and law enforcement agencies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ministry of Foreign Affairs and Embassies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ministry of Women or other body dealing with gender equality	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Trade and investment promotion agencies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Development cooperation agencies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial regulatory authority (e.g. Securities Commission, Financial Authority)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public procurement bodies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Consumer protection authority	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
National Human Rights Institution and Ombudspersons	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify in the comment box)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

### Guidance

In your country, some of these State institutions, agencies and departments might have a mandate to regulate, oversee, monitor and/or support businesses. The question aims to assess whether staff at any of these institutions have been sensitised to the State obligation to protect against business related human rights abuses and/or the UNGPs framework by e.g. trainings, internal guidance notes, development of new procedures, etc. It is likely that this information might not be in the public domain, in which case consider contacting these institutions directly. If the respective entity does not exist in your country, please select not applicable..

### Learn more

Danish Institute for Human Rights: Policy coherence(<https://globalnaps.org/issue/policy-coherence/>)

## 5.2. Does the foreign investment law include provisions on human rights and/or responsible business conduct?

- Yes, the law requires investors to comply with national legislation enabling respect for human rights such as labour rights, public health, consumer protection, environmental protection

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- Yes, the law explicitly requires investors to respect human rights, e.g. by reference to the UN Guiding Principles on Business and Human Rights and/or the human rights conventions

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- Yes, the law includes references to corporate social responsibility

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- No

**Status:** open

**Review status:** Not reviewed

### Guidance

Foreign investment laws are a widespread tool used by governments to promote and regulate foreign investment. According to the UNGPs, these laws should be aligned with the government's human rights obligations and not constrain the available policy space to improve standards in the areas of decent work, health and environmental protection, amongst others. These laws could also set an expectation that investors operating in the country should respect human rights. If no foreign investment law is in force, please skip the question (rather than selecting 'no').

#### Learn more

UN Conference on Trade and Investment: Investment Policy Hub (<https://investmentpolicy.unctad.org/investment-laws>). This resource includes a repository of foreign investment laws from around the world.

## 5.3. In the last 5 years, have any of the international trade and investment agreements signed by the State included provisions on human rights, including labour rights?

- Yes, all or some of the agreements include human rights and/or labour rights provisions

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- Yes, all or some of the agreements reference specific rights (e.g. right to food, right to water)

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- No

**Status:** open

**Review status:** Not reviewed

### Guidance

This question aims to assess whether recent trade and investment agreements signed by the State included references to human rights, including labour rights. If no international trade and investment agreements were signed in the last 5 years, please skip the question (rather than selecting 'no').

#### Learn more

Office of the High Commissioner for Human Rights: International Investment Agreements and Human Rights (<https://www.ohchr.org/EN/Issues/Business/Pages/IAs.aspx>)

#### 5.4. In the last 5 years, have there been allegations that the trade and investment framework has undermined the State's ability to protect human rights?

Yes

No

**Status:** open

**Review status:** Not reviewed

#### Guidance

Trade and investment agreements can adversely impact human rights by constraining the legal space available to states to regulate the conduct of investors, for example, through 'stabilisation clauses' and expensive litigation in investor-state dispute settlement. To answer this question, please carry out a desk-based research of public sources such as international and national NGOs, media, academia. Relevant international sources to consult for answering this question include:

UN Conference on Trade and Development, The Investment Dispute Settlement Navigator(<https://investmentpolicy.unctad.org/investment-dispute-settlement>), where you can find whether your state has been sued by an investor.

The UN universal human rights index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights bodies on its economic policy. By using the search function in the Index you could filter results by themes such as "business and human rights", "economic policy and foreign debt", "right to development".

#### 5.5. Did the State adopt a law regulating corporate governance in your jurisdiction which require companies to have regard to its impacts on the community and/or the environment?

Yes

No

**Status:** open

**Review status:** Not reviewed

#### Guidance

This question aims to assess whether the law regulating corporate governance acknowledges the impacts that the company may have on a range of stakeholders and not act purely with the objective of securing returns for shareholders. This may be done by imposing a duty on directors to have regard to the impact of the company's operations on the community and/or the environment, for example as in section 172 of the UK Companies Act 2006(<https://www.legislation.gov.uk/ukpga/2006/46/section/172>), or include human rights or sustainability objectives into company strategy.

### Learn more

Some of the key concepts and characteristics of corporate law such as legal personality, limited liability, liability within corporate groups, and delegated management have been obstacles to the legal accountability of transnational companies for human rights-related abuses by their subsidiaries and business partners. On the other hand, several aspects of corporate law and governance such as rules on company disclosure, non-financial reporting, directors' duties and stakeholder engagement are important for the protection of human rights and remediation of any harms.

Danish Institute for Human Rights: Corporate law & corporate governance (<https://globalnaps.org/issue/corporate-law-corporate-governance/>)

## 5.6. Did the State adopt measures to restrict the import/export of goods or services on human rights grounds?

Yes

No

**Status:** open

**Review status:** Not reviewed

### Guidance

Certain States have in place regulations that allow them to restrict the import/export of goods or services linked to human rights abuses. For example, the US Customs and Border Protection (<https://www.cbp.gov/trade/forced-labor>) is responsible for preventing the entry of products made with forced labour into the US market according to section 307 of the Tariff Act (1930). The EU Export Control Regulation (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2021:206:FULL&from=EN>) includes transparency measures and controls on trade in dual-use items (e.g. civilian goods and technologies with possible military or security use).

## 5.7. This field gives you the option to highlight certain aspects of the domain for follow-up.

Summary

**Status:** open

**Review status:** Not reviewed

## 6. ACCESS TO REMEDY

Human rights abuses by businesses can take place in the workplace (e.g. discrimination in employment; harassment of whistle blowers), in the community (e.g. forced evictions; pollution of water sources posing a risk to human health) and in the private lives of individuals as consumers and users of certain services (e.g. collection of personal data without consent). This domain focuses on the effectiveness of judicial mechanisms and availability of non-judicial mechanisms to enable remedy for human rights abuses by businesses.

## Liability regimes

**6.1. In the last 5 years, have there been any high profile cases of companies sued for offences that could amount to human rights abuses under any of the following legal regimes?**

	Yes	No
Criminal law	<input type="radio"/>	<input type="radio"/>
Labour law	<input type="radio"/>	<input type="radio"/>
Administrative law	<input type="radio"/>	<input type="radio"/>
Environmental law	<input type="radio"/>	<input type="radio"/>
Consumer protection law	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

### Guidance

Many countries do not have statistics on court cases filed against companies for human rights abuses and/or national offences which makes data collection on access to remedy challenging. This question seeks to circumvent this limitation by asking about public domain information concerning legal actions started against companies for offences that could be classified as human rights abuses (e.g. discrimination in employment, forced eviction, pollution of water sources, health and safety negligence resulting in deaths). Please use the comment box to provide information on the type of violations alleged and the companies involved (sector, domestic/international, private/public). Sources that you can consider include media, NGO reports, company statements and press releases. Relevant international sources to consult when answering this question include:

Business and Human Rights Resource Centre: Portal on Corporate Legal Accountability (<https://www.business-humanrights.org/en/big-issues/corporate-legal-accountability/>)

**6.2. Below is a list of the most common legal barriers to access to remedy for victims of human rights abuses by businesses. Choose the one(s) that are relevant to your country context.**

- The doctrine of separate legal personality (or the corporate veil) restricts the liability of entities within a corporate group
- Rules on jurisdiction limit access to the judiciary of a particular jurisdiction
- There is no legal recognition of corporate criminal liability
- Certain groups, such as indigenous peoples and migrants, do not enjoy the same level of legal protection of their human rights that applies to the wider population

Other barriers (please explain in the comment box)

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No legal barriers

**Status:** open

**Review status:** Not reviewed

## Guidance

This question aims to assess whether there are legal barriers obstructing access to remedy for human rights abuses by businesses in your State. For example, the doctrine of ‘separate legal personality’ holds that a parent company who might own the majority or totality of shares in a subsidiary cannot in principle be held liable for the harm caused by the operations of that subsidiary. Jurisdictional barriers arise when victims cannot bring proceedings in their own States and seek justice in the courts of the States where multinational companies are headquartered. Establishing jurisdiction in the home state of multinational companies is, however, challenging, and victims face many hurdles to have their cases heard on merit. If you identify other barriers than those listed, please describe them in the comment box.

## Learn more

Danish Institute for Human Rights: Judicial remedy(<https://globalnaps.org/issue/judicial-remedy/>)

Amnesty International: Injustice incorporated: corporate abuses and the human rights right to remedy(<https://www.amnesty.org/en/documents/pol30/001/2014/en/>)

Office of the High Commissioner for Human Rights: Accountability and remedy project(<https://www.ohchr.org/en/business/ohchr-accountability-and-remedy-project/phase1-judicial-mechanisms>) phase 1 – enhancing effectiveness of judicial mechanisms

### 6.3. Below is a list of the most common procedural and practical barriers to access to remedy for victims of human rights abuses by businesses. Choose the one(s) that are relevant to your country context.

- There are significant difficulties accessing the information and evidence necessary to prove a claim (e.g. there is no pre-action discovery or disclosure regime)
- 
- Rules on applicable law restrict access to effective remedy
- 
- Collective redress mechanisms such as class actions are not available
- 
- Victims cannot access justice because of financial reasons (e.g. prohibitive legal representation costs, procedural fee costs, absence of legal aid or contingency fee arrangements)
- 
- The judiciary lack adequate resources, expertise and support
- 
- There is political interference with the justice system
- 
- There are significant delays in case handling
- 
- No procedural and practical barriers
- 
- Other barriers (please explain in the comment box)

**Status:** open

**Review status:** Not reviewed

## Guidance

This question aims to assess whether there are practical and procedural barriers obstructing access to remedy for human rights abuses by businesses in your State. If you identify other barriers than those listed, please describe them in the text box.

## Learn more

Danish Institute for Human Rights: Judicial remedy(<https://globalnaps.org/issue/judicial-remedy/>)

Amnesty International: Injustice incorporated: corporate abuses and the human rights right to remedy(<https://www.amnesty.org/en/documents/pol30/001/2014/en/>)

### 6.4. Below is a list of additional barriers that women may face in holding business accountable for human rights abuses. Choose the one(s) that are relevant to your country context.

- Low levels of literacy

---

- Limited economic resources

---

- Gender stereotyping and cultural norms regarding women's role in society

---

- Discriminatory laws

---

- Risk of reprisals and retaliatory actions

---

- No barriers can be identified

---

- Other barriers (please explain in the comment box)

**Status:** open

**Review status:** Not reviewed

## Guidance

The UNGPs recognise that individuals from groups at heightened risk of vulnerability may face additional social, physical and financial obstacles to accessing judicial remedies. This question aims to assess whether women face additional barriers in accessing remedy for human rights abuses by businesses.

## Learn more

UN Working Group on Business and Human Rights: Gender lens to the UNGPs(<https://www.ohchr.org/en/special-procedures/wg-business/gender-lens-ungps>)

## 6.5. Are these State-based non-judicial bodies available to receive complaints of human rights abuses by businesses?

	Yes	No	Not applicable
National Contact Point under OECD Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ombudsman office and/or National Human Rights Institution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Labour inspectorates and public health and safety bodies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Consumer protection bodies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Privacy and data protection bodies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Equality bodies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other bodies (please explain in the comment box)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

### Guidance

State-based non-judicial bodies are distinguishable from judicial mechanisms (i.e. courts) by being administered by and answerable to the executive rather than the judicial branch of government. These bodies are an important complement to judicial mechanisms. The OECD National Contact Points are agencies established by States that adhered to the OECD Guidelines on Multinational Enterprises. Use the comment box to provide information, if available, on the effectiveness of these bodies, such as the processing time of complaints, the type of remedies available to complainants, statistics on the number of cases and their outcome, their accessibility, etc. If one of these bodies are not available in your country, select not applicable.

### Learn more:

Office of the High Commissioner for Human Rights: Accountability and Remedy project(<https://www.ohchr.org/en/business/ohchr-accountability-and-remedy-project/phase2-state-based-non-judicial-mechanisms>) phase 2 – enhancing effectiveness of State-based non-judicial mechanisms

Danish Institute for Human Rights: Non-judicial grievance mechanism(<https://globalnaps.org/issue/non-judicial-grievance-mechanisms/>)

## 6.6 This field gives you the option to highlight certain aspects of the domain for follow-up.

Summary

**Status:** open

**Review status:** Not reviewed

## 7. LABOUR RIGHTS

Labour rights are where 'business' and 'human rights' most often intersect. Labour rights cut across protection against and freedom from discrimination, health and safety measures, and working conditions. This domain focuses on the alignment of national labour laws and policies with international labour standards and the quality of their implementation in practice.

### Fundamental labour rights

#### 7.1. Has the State ratified one of the following 8 ILO Core Conventions?

	Yes	No
Forced Labour Convention, 1930 (No. 29) and its 2014 Protocol	<input type="radio"/>	<input type="radio"/>
Abolition of Forced Labour Convention, 1957 (No.105)	<input type="radio"/>	<input type="radio"/>
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	<input type="radio"/>	<input type="radio"/>
The Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	<input type="radio"/>	<input type="radio"/>
The Equal Remuneration Convention, 1951 (No. 100)	<input type="radio"/>	<input type="radio"/>
The Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	<input type="radio"/>	<input type="radio"/>
The Minimum Age Convention, 1973 (No. 138)	<input type="radio"/>	<input type="radio"/>
The Worst Forms of Child Labour Convention, 1999 (No. 182)	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

### Guidance

While the Universal Declaration on Human Rights and the International Covenant on Economic, Social and Cultural Rights provide for the broad outlines of workers' rights, much of the international human rights law that forms the basis of labour rights can be found in the system of international labour standards developed by the International Labour Organization. The ILO's Governing Body has identified eight conventions as fundamental which address freedom of association, collective bargaining, equal remuneration, non-discrimination, as well as the elimination of forced and child labour.

Please refer to the ILO website for info on ratifications:

ILO: Fundamental Conventions ratification status([https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:10011:0::NO::P10011\\_DISPLAY\\_BY,P10011\\_CONVENTION\\_TYPE\\_CODE:1,F](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:10011:0::NO::P10011_DISPLAY_BY,P10011_CONVENTION_TYPE_CODE:1,F))

### Learn more

ILO Conventions and Recommendations: Introduction to International Labour Standards(<http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang-en/index.htm>)

Danish Institute for Human Rights: Workers' rights(<https://globalnaps.org/issue/workers-rights/>)

## 7.2. Are the national laws governing child labour, including on minimum age, hazardous child labour, compulsory education, aligned with the ILO standards?

- Yes, fully aligned, e.g. all relevant national laws follow ILO standards
- 
- Yes, partially aligned, e.g. some national laws fall short of ILO standards
- 
- No, not aligned, e.g. there are significant gaps in national laws that undermine the State's ability to protect against the use of child labour by businesses

**Status:** open

**Review status:** Not reviewed

### Guidance

When answering this question, consider at a minimum the following elements: the minimum age for employment or work (international standard: 14 years, 12 years for light work); if the minimum age applies to all sectors of the economy; if the age of the end of compulsory education coincides with the minimum working age; if the minimum age for hazardous work is at least 18; if the state provides a list of what qualifies as hazardous work, in line with the international standard; if the national legislation prohibits the worst forms of child labour for all persons under 18. Relevant international sources to consult for answering this question include:

The UN human rights Index (<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights bodies on child labour. By using the search function in the Index you can filter results by themes such as "business and human rights", "children: protection against exploitation".

The ILO Normlex database (<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO:::>) where you can find whether the state received any relevant comments from the ILO supervisory bodies.

### Learn more:

ILO: Information on Child labour (<https://www.ilo.org/global/topics/child-labour/lang--en/index.htm>)

Danish Institute for Human rights: Children's rights (<https://globalnaps.org/issue/childrens-rights/>)

UNICEF: Children's Rights and Business Principles (<https://resourcecentre.savethechildren.net/library/childrens-rights-and-business-principles-crpb#:~:text=Developed%20by%20UNICEF%2C%20the%20UN,to%20respect%20and%20support%20children's>)

## 7.3. Does the State have active policies (e.g. strategies, programme of action) to eliminate child labour?

Yes

---

No

**Status:** open

**Review status:** Not reviewed

### Guidance

Most States have a strategy to eliminate child labour. States with many multinational businesses often put an additional focus on the elimination of child labour in supply chains. Consult active policies, strategies and programmes of actions by relevant

## Does the policy set any expectation vis-à-vis the role and responsibility of businesses?

Yes

No

**Status:** open

**Review status:** Not reviewed

### Guidance

(If yes to previous question no 7.3)

Search for any specific mentioning of any expectations set vis-à-vis the role and responsibility of business in the policy (or strategy or programme of actions) to eliminate child labour.

## 7.4. In the last 5 years, have there been abuses, or allegations of abuses, of child labour, including worst forms of child labour by businesses headquartered and/or operating in your country?

Yes, there have been systematic and/or widespread abuses, or allegations of abuses

Yes, there have been sporadic abuses, or allegations of abuses

No, no cases known

**Status:** open

**Review status:** Not reviewed

### Guidance

Please carry out a desk-based research of public sources such as media, international and national NGOs, and the national human rights institution. Consider government statistics, including labour court statistics, if available. Relevant international sources to consult for answering this question include:

The Business and Human Rights Resource Centre (<https://www.business-humanrights.org/en/latest-news/?&language=en>), an NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.

The data collected can be used to respond to the global SDG indicator 8.7.1: *Proportion and number of children aged 5-17 years engaged in child labour, by sex and age.*

If the abuses are concentrated in a particular sector or connected to certain companies such as state owned enterprises, transnational companies, SMEs, companies from certain home states, please indicate that in the comment box.

## 7.5. Are the laws prohibiting and criminalizing forced labour aligned with ILO standards?

- Yes, fully aligned, e.g. all relevant national laws follow ILO standards
- 
- Yes, partially aligned, e.g. some national laws fall short of ILO standards
- 
- No, not aligned, e.g. there are significant gaps in national legislation that undermine the State's ability to protect against the use of forced labour by businesses

**Status:** open

**Review status:** Not reviewed

### Guidance

Please consider here if the national legislation prohibits, criminalises and punishes forced labour, modern slavery and human trafficking as well as if and how the law defines trafficking. Relevant international sources to consult for answering this question include:

The UN universal human rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights bodies in the area of forced labour. By using the search function in the Index you could filter results by themes such as "business and human rights", "labour rights and right to work".

The ILO Normlex database(<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010::NO::>) where you can find whether the state received any relevant comments from the ILO supervisory bodies.

### Learn more:

ILO: Information on forced Labour, modern slavery and human trafficking(<https://www.ilo.org/global/topics/forced-labour/definition/lang-en/index.htm>)

Danish Institute for Human Rights: Forced labour & modern slavery(<https://globalnaps.org/issue/forced-labour-modern-slavery/>)

## 7.6. Does the State have active policies (e.g. strategies, programme of action) to eliminate forced labour?

Yes

---

No

**Status:** open

**Review status:** Not reviewed

### Guidance

This question aims to assess whether the state has any active policies, strategies or programmes of action that concern the elimination of forced labour. Consult policies, strategies and programmes of actions by relevant ministries (e.g. Ministry of Labour).

## Does the policy set any expectation vis-a-vis businesses' role and responsibility?

Yes

---

No

**Status:** open

**Review status:** Not reviewed

### Guidance

*(If yes to previous question no 7.6)*

Search for any specific mentioning of business in policies, strategies and programmes of actions by relevant ministries.

## 7.7. In the last 5 years, have there been forced labour abuses, or allegations of abuses, by businesses headquartered and/or operating in your country?

Yes, there have been systematic and/or widespread abuses, or allegations of abuses

---

Yes, there have been sporadic abuses, or allegations of abuses

---

No, no cases known

**Status:** open

**Review status:** Not reviewed

### Guidance

Please carry out a desk-based research of public sources such as media, international and national NGOs, national human rights institutions. Consider government statistics, including labour court statistics, if available. Relevant international sources to consult for answering this question include:

The Business and Human Rights Resource Centre(<https://www.business-humanrights.org/en/latest-news/?&language=en>), an NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.

If the abuses are concentrated in a particular sector or connected to certain companies such as state owned enterprises, transnational companies, SMEs, companies from certain home states, please indicate that in the comment box.

## 7.8. Are laws on non-discrimination and equal opportunity in employment aligned with ILO standards?

Yes, fully aligned, e.g. all relevant national laws follow ILO standards

---

Yes, partially aligned, e.g. some national laws fall short of ILO standards

---

- No, not aligned, e.g. there are significant gaps in national legislation that undermine the State's ability to protect against discrimination in employment by businesses

**Status:** open

**Review status:** Not reviewed

## Guidance

Check if the protected grounds of non-discrimination in national law are in line with ILO standards. Laws providing for maternity leave as well as laws prohibiting sexual harassment also fall within the scope of non-discrimination and equality. Relevant international sources to consult for answering this question include:

The UN universal human rights Index (<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights bodies in the area of equal opportunity and non-discrimination. By using the search function in the Index you could filter results by themes such as "business and human rights", "labour rights and right to work".

The ILO Normlex database (<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010::NO::>) where you can find whether the state received any relevant comments from the ILO supervisory bodies.

The data collected can be used to respond to global SDG indicator 5.1.1: *Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex.*

## Learn more:

ILO: Business, Non-discrimination and Equality ([https://www.ilo.org/empent/areas/business-helpdesk/WCMS\\_DOC\\_ENT\\_HLP\\_BDE\\_EN/lang-en/index.htm](https://www.ilo.org/empent/areas/business-helpdesk/WCMS_DOC_ENT_HLP_BDE_EN/lang-en/index.htm))

Danish Institute for Human Rights: Equality and non-discrimination (<https://globalnaps.org/issue/equality-and-non-discrimination/>)

## 7.9. Does the State incentivise businesses to take measures in relation to equal opportunity for one or more of the following groups?

	Yes	No
Women	<input type="radio"/>	<input type="radio"/>
Persons with disabilities	<input type="radio"/>	<input type="radio"/>
Migrant workers	<input type="radio"/>	<input type="radio"/>
Indigenous people and other minorities	<input type="radio"/>	<input type="radio"/>
Other groups at risk e.g. LGBTIQI or persons living with HIV	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

## Guidance

Incentives can include affirmative action programmes or quotas to facilitate employment and equal opportunity at the workplace for disenfranchised groups.

## 7.10. In the last 5 years, have there been discrimination abuses, or allegations of abuses, by businesses headquartered and/or operating in your country?

- Yes, there have been systematic and/or widespread abuses, or allegations of abuses
- 
- Yes, there have been sporadic abuses, or allegations of abuses
- 
- No, no cases known

**Status:** open

**Review status:** Not reviewed

### Guidance

Please carry out a desk-based research of public sources such as media, international and national NGOs, and the national human rights institution. Consider government statistics, including labour court statistics, if available. Research reports about discrimination in relation to hiring, firing, promotion, training opportunities, representation at management level. Also include reports of sexual harassment and discrimination against women linked to maternity leave and infant care (e.g. nursing breaks). Relevant international sources to consult for answering this question include:

The Business and Human Rights Resource Centre (<https://www.business-humanrights.org/en/latest-news/?&language=en>), an NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.

The data collected can be used to respond to the global SDG indicator 10.3.1: *Proportion of population reporting having personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law.*

If the abuses are concentrated in a particular sector or connected to certain companies such as state owned enterprises, transnational companies, SMEs, companies from certain home states, please indicate that in the comment box.

## 7.11. Are laws on collective bargaining and trade unions aligned with the ILO standards?

- Yes, fully aligned, e.g. all relevant national laws follow ILO standards
- 
- Yes, partially aligned, e.g. some national laws fall short of ILO standards
- 
- No, not aligned, e.g. there are significant gaps in national legislation that undermine the State's ability to protect the right to freedom of association and collective bargaining of workers

**Status:** open

**Review status:** Not reviewed

### Guidance

Focus on legal obstacles to freedom of association, e.g. barriers to forming or joining a trade union, bargain collectively, go on a legal strike. Employees who perform essential services often have limited freedom of association rights. Check whether "essential services" are properly defined, and not used to arbitrarily curtail trade union rights. –Relevant international sources to consult for answering this question include:

The UN universal human rights Index (<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights bodies in the area of collective bargaining and freedom of association. By using the search function in the Index you could filter results by themes such as "business and human rights",

"labour rights and right to work".

The ILO Normlex database(<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO:::>) where you can find whether the state received any relevant comments from the ILO supervisory bodies, including on freedom of association.

The data collected can be used to respond to SDG indicator 8.8.2: *Level of national compliance with labour rights (freedom of association and collective bargaining) based on International Labour Organization (ILO) textual sources and national legislation, by sex and migrant status.*

**Learn more:**

Danish Institute for Human Rights: Freedom of Association(<https://globalnaps.org/issue/freedom-of-association/>)

Danish Institute for Human Rights: Workers' rights(<https://globalnaps.org/issue/workers-rights/>)

## 7.12. In the last 5 years, have there been abuses, or allegations of abuses, of trade unions rights, including harassment and violence against trade unionists, by businesses headquartered and/or operating in your country?

- Yes, there have been systematic and/or widespread abuses, or allegations of abuses
- 
- Yes, there have been sporadic abuses, or allegations of abuses
- 
- No, no cases known

**Status:** open

**Review status:** Not reviewed

### Guidance

Abuses of trade union rights by business include firing, harassing or threatening trade union members, restricting union access to company premises, blacklisting employees who are union members, interfering with employees' legal right to strike (e.g. through strike-breaking measures like lockout, hiring replacement workers), not bargaining in good faith with elected workers' representatives. Please carry out a desk-based research of public sources such as media, international and national NGOs, national trade unions, the International Trade Union Confederation (ITUC), or the national human rights institution. Consider government statistics, including labour court statistics, if available. Relevant international sources to consult for answering this question include:

International Trade Union Confederation's annual survey of violations of trade union rights - Global Rights Index 2020(<https://www.ituc-csi.org/ituc-global-rights-index-2020>).

The Business and Human Rights Resource Centre(<https://www.business-humanrights.org/en/latest-news/?&language=en>), an NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.

The data collected can be used to respond to the following global SDG indicators:

SDG indicator 16.10.1: *Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months*

SDG indicator 11.7.2: *Reported cases of hate speech and physical and/or sexual harassment (online and offline) of journalists, associated media personnel, trade unionists and human rights advocates (in the previous 12 months, 24 months, 36 months).*

If the abuses are concentrated in a particular sector or connected to certain companies such as state owned enterprises, transnational companies, SMEs, companies from certain home states, please indicate that in the comment box.

## Working conditions

### 7.13. Are national laws on working hours, including overtime and overtime pay, aligned with ILO standards?

- Yes, fully aligned, e.g. all relevant national laws follow ILO standards
- 
- Yes, partially aligned, e.g. some national laws fall short of ILO standards
- 
- No, not aligned, e.g. there are significant gaps in national legislation that undermine the State's ability to protect the rights of workers

**Status:** open

**Review status:** Not reviewed

### Guidance

Beyond the ILO fundamental conventions, there are several ILO Conventions and Recommendations covering other topics such as working hours. While they are not as widely ratified as the ILO Fundamental Conventions, they are regarded as an international benchmark for multinational businesses operating in various country contexts. The maximum standard working time is 48 hours per week and 8 hours per day as an international norm. In several exceptional cases, working time is allowed to exceed these limits, as long as daily working time remains not higher than 10 hours, and weekly working time not higher than 56 hours. Overtime needs to be compensated at a premium rate of at least 1.25 times the standard hourly rate. Relevant international sources to consult for answering this question include:

The UN universal human rights Index (<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights bodies in the area of working hours. By using the search function in the Index you could filter results by themes such as "business and human rights", "labour rights and right to work".

The ILO Normlex database (<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010::NO::>) where you can find whether the state received any relevant comments from the ILO supervisory bodies.

### Learn more

ILO: International standards of working time (<https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/working-time/lang--en/index.htm>)

ILO: Overtime Factsheet (2004) ([https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/publication/wcms\\_170708.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_170708.pdf))

### 7.14. In the last 5 years, have there been abuses, or allegations of abuses, of working hours, including overtime and overtime pay, by businesses headquartered and/or operating in your country?

- Yes, there have been systematic and/or widespread abuses, or allegations of abuses
- 
- Yes, there have been sporadic abuses, or allegations of abuses
- 
- No, no cases known

**Status:** open

**Review status:** Not reviewed

## Guidance

Please carry out a desk-based research of public sources such as media, international and national NGOs, trade unions, and the national human rights institution. Consider government statistics, including labour court statistics, if available. Relevant international sources include:

The Business and Human Rights Resource Centre(<https://www.business-humanrights.org/en/latest-news/?&language=en>), an NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.

If the abuses are concentrated in a particular sector or connected to certain companies such as state owned enterprises, transnational companies, SMEs, companies from certain home states, please indicate that in the comment box.

### 7.15. Do national laws provide for a minimum wage fixing mechanism?

Yes

No

**Status:** open

**Review status:** Not reviewed

## Guidance

Check whether your country has a minimum wage (or several minimum wages by sector and/or region) that is regularly reviewed and provides for an adequate standard of living. Relevant international sources to consult for answering this question include:

The UN universal human rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights bodies in the area of minimum wage. By using the search function in the Index you could filter results by themes such as "business and human rights", "labour rights and right to work".

The ILO Normlex database(<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO::>) where you can find whether the state received any relevant comments from the ILO supervisory bodies.

### Learn more:

ILO: Minimum wages(<https://www.ilo.org/global/topics/wages/minimum-wages/lang--en/index.htm>)

### 7.16. In the last 5 years, have there been minimum wage abuses, or allegations of abuses, by businesses headquartered and/or operating in your country?

Yes, there have been systematic and/or widespread abuses, or allegations of abuses

Yes, there have been sporadic abuses, or allegations of abuses

No, no cases known

**Status:** open

**Review status:** Not reviewed

## Guidance

Please carry out a desk-based research of public sources such as media, international and national NGOs, and the national human rights institution. Consider government statistics, including labour court statistics, if available. Relevant international sources to consult for answering this question include:

The Business and Human Rights Resource Centre(<https://www.business-humanrights.org/en/latest-news/?&language=en>), an NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.

If the abuses are concentrated in a particular sector or connected to certain companies such as state owned enterprises, transnational companies, SMEs, companies from certain home states, please indicate that in the comment box.

### 7.17. Is the national framework on occupational health and safety (OHS) aligned with ILO standards?

- Yes, fully aligned, e.g. all relevant national laws follow ILO standards
- 
- Yes, partially aligned, e.g. some national laws fall short of ILO standards
- 
- No, not aligned, e.g. there are significant gaps in national legislation that undermine the State's ability to protect the rights of workers

**Status:** open

**Review status:** Not reviewed

## Guidance

Consider if there is a national law on OHS; a national policy or programme of action on OHS; an authority mandated by law to oversee the implementation of OHS law and policies; arrangements to promote cooperation between management, workers and their representatives on OHS. Relevant international sources to consult for answering this question include:

The UN universal human rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights bodies on occupational health and safety laws and policies. By using the search function in the Index you could filter results by themes such as "business and human rights", "labour rights and right to work", "right to health".

The ILO Normlex database(<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO::>) where you can find whether the state received any relevant comments from the ILO supervisory bodies.

## Learn more

ILO: Occupational safety and health(<https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/occupational-safety-and-health/lang--en/index.htm>)

### 7.18. Does the national OHS legislation and policy establish the business responsibility:

	Yes	No
--	-----	----

To protect the health and safety of employees?	<input type="radio"/>	<input type="radio"/>
To establish enterprise wide OHS policies and procedures?	<input type="radio"/>	<input type="radio"/>
To monitor the workplace, processes, machinery, tools, equipment and other material elements of work?	<input type="radio"/>	<input type="radio"/>
To establish emergency response plans and procedures?	<input type="radio"/>	<input type="radio"/>
To provide information to workers and their representatives concerning occupational hazards?	<input type="radio"/>	<input type="radio"/>
To take appropriate remedial action after accidents?	<input type="radio"/>	<input type="radio"/>
To establish joint safety and health committees (labour and management representatives)?	<input type="radio"/>	<input type="radio"/>
To provide personal protective equipment, first aid and welfare facilities, e.g. sanitary installations, drinking water, rest and eating areas?	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

## Guidance

Check whether the national legislation on occupational health and safety includes one or more of these elements. If other relevant elements are included, please mention them in the comment box.

## 7.19. Does the national OHS law and/or policy provide for the protection of workers that might find themselves in a vulnerable condition such as:

	Yes	No
Pregnant and breastfeeding workers?	<input type="radio"/>	<input type="radio"/>
Young workers?	<input type="radio"/>	<input type="radio"/>
Persons with disabilities?	<input type="radio"/>	<input type="radio"/>
Other groups (please explain in the comment box)?	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

## Guidance

Check the national legislation on occupational health and safety.

## 7.20. In the last 5 years, have there been occupational health and safety abuses, or allegations of abuses, by businesses headquartered and/or operating in your country?

- Yes, there have been systematic and/or widespread abuses, or allegations of abuses
- 
- Yes, there have been sporadic abuses, or allegations of abuses
- 
- No, no cases known

**Status:** open

**Review status:** Not reviewed

### Guidance

Please carry out a desk-based research of public sources such as media, international and national NGOs, and the national human rights institution. Consider government statistics, including labour court statistics, if available. Research may focus on sectors with particularly high risks of OHS violations. Relevant international sources to consult for answering this question include:

The Business and Human Rights Resource Centre (<https://www.business-humanrights.org/en/latest-news/?&language=en>), an NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.

The data collected can be used to respond to the global SDG indicator 8.8.1: *Fatal and non-fatal occupational injuries per 100,000 workers, by sex and migrant status*.

If the abuses are concentrated in a particular sector or connected to certain companies such as state owned enterprises, transnational companies, SMEs, companies from certain home states, please indicate that in the comment box.

### Implementation challenges

## 7.21. Below is a list of common implementation challenges of labour rights. Choose the one(s) that apply to your country.

- Labour authorities mandated to inspect businesses have limited resources and capacity
- 
- Labour authorities with a mandate to inspect businesses are not independent
- 
- The penalties and fines for non-compliance with labour law are inadequate and do not deter further abuses
- 
- Labour authorities with a mandate to inspect businesses have insufficient enforcement powers, e.g. they cannot impose financial penalties, revoke or suspend licenses or authorizations, initiate prosecutions
- 
- Labour authorities do not conduct inspections of business enterprises operating in special economic, free trade and export processing zones
- 
- Other challenges (please explain in the comment box)
- 
- No implementation challenges identified

**Status:** open

**Review status:** Not reviewed

## Guidance

This question assesses the effectiveness of national labour authorities by asking about common challenges these authorities may face. While inherently a subjective/evaluative question, please substantiate your answer by indicating the basis for this assessment in the text box. Relevant international sources to consult for answering this question include:

The UN human rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights bodies on labour rights. By using the search function in the Index you could filter results by, for example, themes such as “business and human rights”, “labour rights and right to work”.

The ILO Normlex database(<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010::NO::>) where you can find whether the state received any relevant comments from the ILO supervisory bodies.

The Business and Human Rights Resource Centre(<https://www.business-humanrights.org/en/latest-news/?&language=en>), a NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.

### 7.22 This field gives you the option to highlight certain aspects of the domain for follow-up.

Summary

**Status:** open

**Review status:** Not reviewed

## 8. LAND

While there is currently no explicit reference to a general human right to land under international human rights law, international human rights bodies have established a direct link between land legislation, policies and management and the enjoyment of human rights. This domain focuses on the land legislation in the country and implementation related challenges and includes the option to answer select questions on the legal framework on indigenous people’s lands, territories and resources.

### Land governance

#### 8.1. Does the national legislation allow for private ownership or possession of land and property?

- Yes, fully (for men/women/both), e.g. there are no restrictions on individual ownership or possession of land, property or resources in the national legal framework

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- Yes, with some limitations (for men/women/both), e.g. the national legal framework partially allows for private ownership or possession of land and property but with some limitations or contradictions within the legal framework

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- No (for men/women/both), e.g. the national legal framework effectively prevents ownership or possession of land and property by individuals as the Constitution vests all land in the state or otherwise prevents private ownership or possession.

**Status:** open

**Review status:** Not reviewed

## Guidance

This question aims to assess the level of protection in national laws of legitimate tenure rights for different types of tenure and for different rights-holders. Security of tenure refers to the certainty that an individual's right to land will be recognised by others and protected by State authorities. Legitimate tenure rights (which can be formal/informal, statutory/customary, permanent/temporary) are not always recognised by national legislation. Often, the most vulnerable to violations of their legitimate tenure rights do not enjoy legal or formal recognition of their tenure rights, or their legal status does not provide sufficient protection of their tenure rights.

In many countries women face legal and practical barriers in securing access to and controlling land. For example, women might be prohibited from holding tenure rights in the land registry or from entering into contracts without a husband or male relative guarantee.

Relevant international sources to consult for answering this question include:

The UN universal human rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights bodies on the issue of land. By using the search function in the Index you could filter results by themes such as "business and human rights", "land and property rights".

The data collected can be used to respond to the global SDG indicator 5.a.2: *Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control.*

## Learn more

Office of the High Commissioner for Human Rights: Land and Human Rights. Standards and Applications([https://www.ohchr.org/sites/default/files/Documents/Publications/Land\\_HR-StandardsApplications.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/Land_HR-StandardsApplications.pdf))

Danish Institute for Human Rights: Land(<https://globalnaps.org/issue/land/>)

## 8.2. Does the national legislation allow for collective or communal ownership or possession of land and other forms of property?

- Yes, to some extent, e.g. the national legislation partially allows for collective ownership or possession of land and property but with significant limitations or contradictions within the legal framework
- 
- Yes, fully, e.g. there are no significant restrictions on collective ownership or possession of land
- 
- No, e.g. the national legislation effectively prevents collective ownership or possession of land and property

**Status:** open

**Review status:** Not reviewed

## Guidance

This question assesses the level of recognition and protection in the national legal framework of collective land and property rights.

Collective tenure rights are held by a group rather than an individual and can refer to land, property and resource rights that are collectively used and managed. Collectively managed commons are important for indigenous peoples and local communities, including farmers, fishers, pastoralists, the landless and the most vulnerable, food insecure and marginalized people. Collective land, property and resource rights can also be related to legally- or informally- constituted groups of individuals working in a common interest such as cooperatives, associations or other types of groups. Lack of recognition of collective rights to land, property and resources has been a major challenge for the protection of those rights in practice.

Please note that a separate question on the recognition of indigenous peoples' collective rights to land is included in the next tab.

### 8.3. In situations of eviction, does the national legislation require:

	Yes	No
That evictions be reasonable and proportional?	<input type="radio"/>	<input type="radio"/>
That all feasible alternatives to eviction are explored in consultation with the affected community?	<input type="radio"/>	<input type="radio"/>
The provision of full and fair compensation and rehabilitation irrespective of the existence of a formal title?	<input type="radio"/>	<input type="radio"/>
That those evicted should have a right to participate meaningfully in decisions on alternative housing, relocation and compensation?	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

#### Guidance

Forced evictions are defined by the UN as the removal of individuals, families and/or communities against their will from the homes and/or land which they occupy, without the provision of adequate forms of legal or other protection. International human rights law prohibits forced evictions under all circumstances and irrespective of the tenure status of those affected. Consult relevant national legislation to identify whether these core human rights protections are stipulated therein.

#### Learn more

UN Special Rapporteur on Adequate Housing: Basic principles and guidelines on development-based evictions and displacement. ([https://www.ohchr.org/sites/default/files/Documents/Issues/Housing/Guidelines\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Housing/Guidelines_en.pdf)) These principles have been developed to support States in the context of development related evictions and contain detailed guidance on standards that should be implemented prior to, during and after evictions.

Office of the High Commissioner for Human Rights: Forced evictions (<https://www.ohchr.org/sites/default/files/Documents/Publications/FS25.Rev.1.pdf>)

### 8.4. Does the national legislation provide for any of the following due process obligations in respect to dispossession or displacement?

- Clear legal definition of public purpose

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- Requirement to provide information about the reasons for expropriation

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- That the state should minimize or avoid involuntary resettlement

**Status:** open

**Review status:** Not reviewed

#### Guidance

Dispossession refers to any action to deprive someone of their land, property and possessions. Displacement can refer to both physical displacement (e.g. loss of dwellings, shelter) and economic displacement (e.g. loss of asset such as land or access to resources).

## Learn more

Land Portal has collected data for 50 countries on the existence of clear legal definition of public purpose(<https://landportal.org/book/indicator/nkt-vggt16-1a>), requirements to provide information about the reasons for expropriation(<https://landportal.org/book/indicator/nkt-vggt16-2f>) and the minimisation and avoidance of involuntary resettlement(<https://landportal.org/book/indicator/nkt-vggt16-8b>)

### 8.5. Below is a list of common challenges that might undermine the protection of human rights in the context of land governance. Choose the one(s) that apply to your country.

- The procedures to register lands and formalize land rights are not affordable and accessible

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- Authorities do not have resources and/or capacity to adequately monitor the enforcement of land laws

---

- Rights-holders are not adequately informed about and consulted regarding the transfer of tenure rights

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- National courts are not effectively prosecuting land rights abuses by businesses

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- Other challenges (please explain in the comment box)

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- No implementation challenges identified

**Status:** open

**Review status:** Not reviewed

## Guidance

This question aims to identify some of the practical challenges in the protection of human rights in the context of land governance. While inherently a subjective/evaluative question, please substantiate your answer by indicating the basis for this assessment in the comment box. Relevant international sources to consult for answering this question include:

The UN universal human rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights bodies on the issue of land. By using the search function in the Index you could filter results by themes such as "business and human rights", "land and property rights", "discrimination against women".

### 8.6. In the last 5 years, have there been abuses, or allegations of abuses, in respect to forced evictions and inadequate resettlement by businesses headquartered and/or operating in your country?

- Yes, there have been systematic and/or widespread abuses, or allegations of abuses

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- Yes, there have been sporadic abuses, or allegations of abuses

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- No, no cases known

**Status:** open

**Review status:** Not reviewed

## Guidance

Over the last decades, the demand for land and natural resources by businesses significantly increased in some parts of the world, leading to a surge in large scale land acquisitions that in certain countries were linked to displacement, forced evictions and violence against human rights defenders. Please carry out a desk-based research of public sources such as international and national NGOs, the national human rights institution, government reports and statistics, UN agencies and regional intergovernmental organisations and the media. Relevant international sources to consult for answering this question include: The Business and Human Rights Resource Centre(<https://www.business-humanrights.org/en/latest-news/?&language=en>), an NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries  
Land Matrix(<https://landmatrix.org/>) – a public database on large scale land acquisitions  
If the abuses are concentrated in a particular sector or connected to certain companies such as state owned enterprises, transnational companies, SMEs, companies from certain home states, please indicate that in the comment box.

### 8.7. In the last 5 years, have there been abuses, or allegations of abuses, in respect to company-community land arrangements by businesses headquartered and/or operating in your country?

- Yes, there have been systematic and/or widespread abuses, or allegations of abuses
- 
- Yes, there have been sporadic abuses, or allegations of abuses
- 
- No, no cases known

**Status:** open

**Review status:** Not reviewed

## Guidance

Please carry out a desk-based research of public sources such as international and national NGOs, the national human rights institution, government reports and statistics, UN agencies and regional intergovernmental organisations and the media. Relevant international sources to consult for answering this question include:  
The Business and Human Rights Resource Centre(<https://www.business-humanrights.org/en/latest-news/?&language=en>), an NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.  
If the abuses are concentrated in a particular sector or connected to certain companies such as state owned enterprises, transnational companies, SMEs, companies from certain home states, please indicate that in the comment box.

### 88. In the last 5 years, have there been abuses, or allegations of abuses, in respect to harassment and violence against land rights defenders by businesses headquartered and/or operating in your country?

- Yes, there have been systematic and/or widespread abuses, or allegations of abuses
-

Yes, there have been sporadic abuses.

No, no cases known

**Status:** open

**Review status:** Not reviewed

## Guidance

Land rights defenders is used here interchangeably with human rights defenders to refer to those people or groups (e.g. journalists, trade unionists, community members, civil society organisations) who act to promote or protect human rights in a peaceful manner. Please carry out a desk-based research of public sources such as international and national NGOs, the national human rights institution, government reports and statistics, UN agencies and regional intergovernmental organisations and the media. Relevant international sources to consult for answering this question include:

The UN universal human rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights institutions on the topic of human rights defenders. By using the search function in the Index you could filter results by “UN Mechanism” and select the Special Rapporteur on Human Rights Defenders.

The Business and Human Rights Resource Centre(<https://www.business-humanrights.org/en/latest-news/?&language=en>), an NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.

The Global Witness, an international NGO that works on natural resources exploitation, publishes an annual report on land and environmental defenders(<https://www.globalwitness.org/en/campaigns/environmental-activists/>).

The data collected can be used to respond to the following global SDG indicators:

SDG indicator 16.10.1: *Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months,*

SDG indicator 11.7.2: *Reported cases of hate speech and physical and/or sexual harassment (online and offline) of journalists, associated media personnel, trade unionists and human rights advocates (in the previous 12 months, 24 months, 36 months).*

If the abuses are concentrated in a particular sector or connected to certain companies such as state owned enterprises, transnational companies, SMEs, companies from certain home states, please indicate that in the comment box.

## 8.9 This field gives you the option to highlight certain aspects of the domain for follow-up.

Summary

**Status:** open

**Review status:** Not reviewed

## Indigenous people

### 8.10. Are there groups that self-identify as indigenous peoples in the country?

Yes

No

**Status:** open

**Review status:** Not reviewed

#### Guidance

The next section contains a few questions on the rights of indigenous people. According to the UN, there are over 370 million indigenous people in Africa, the Americas, Asia, Europe and the Pacific. They comprise 5% of the world's total population and at the same time they represent 15% of the world's poorest people. They are also one of the groups most vulnerable to the negative impacts of business activities, as they are heavily dependent on lands and natural resources for their basic needs and livelihoods. If there are no groups that self-identify as indigenous people in your country, you can skip these questions by answering 'no'.

### Does the national legislation recognise indigenous peoples' collective rights to lands, territories and resources?

Yes

No

**Status:** open

**Review status:** Not reviewed

#### Guidance

*(This question should be answered if the respondent selected answer 'yes' in question no 8.10)*

This question assesses State's structural recognition and protection of indigenous peoples' collective land rights. Indigenous peoples' collective right to the lands, territories and resources they have traditionally owned, occupied or otherwise used or acquired are key provisions of international human rights instruments such as the UN Declaration of the Rights of Indigenous Peoples and intrinsically linked to their collective right to self-determination, non-discrimination, cultural and spiritual integrity, and development as distinct peoples. Relevant international sources to consult for answering this question include:

The UN human rights Index (<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights institutions on the protection of indigenous people. By using the search function in the Index you could filter results by "concerned persons/groups" and select "indigenous peoples".

The ILO supervision of Convention no 169 where you can find whether the state received any relevant comments from the ILO supervisory bodies (<https://www.ilo.org/global/topics/indigenous-tribal/supervision/lang--en/index.htm>).

#### Learn more:

At the international level, there are two reinforcing human rights instruments that outline the protection regime for indigenous people: the UN Declaration on the Rights of Indigenous Peoples (<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>) (2007) and the ILO Convention No 169 ([https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C169](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169)) (1989). The ILO Convention No. 169 – ratified by 23 states as of 2021- addresses, inter alia, issues of land and natural resources, health, education, development and cross-border cooperation. The UN Declaration articulates existing rights as they apply to indigenous peoples, reflecting existing obligations of States under treaty law.

## Does the national legislation recognise the state's duty to consult with indigenous peoples in order to obtain their free, prior and informed consent prior to approval of any project that may affect their lands, territories or resources?

Yes

No

**Status:** open

**Review status:** Not reviewed

### Guidance

*(This question should be answered if the respondent selected answer 'yes' in question no 8.10)*

This question assesses whether domestic legislation reflects the State duty to consult indigenous peoples wherever their lands and territories are affected by development, exploitation or use of natural resources found therein. The duty applies not only to the actual exploitation of resources such as minerals and water, but also to the exploration phase. Indigenous peoples must be informed, consulted and participate from the very outset of a planned intervention, including before concessions or licenses are granted to operators. Relevant international sources to consult for answering this question include:

The UN human rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights institutions on the protection of indigenous people. By using the search function in the Index you could filter results by, "concerned persons/groups" and select "indigenous peoples".

The ILO supervision of Convention no 169 where you can find whether the state received any relevant comments from the ILO supervisory bodies(<https://www.ilo.org/global/topics/indigenous-tribal/supervision/lang--en/index.htm>).

### Learn more:

Office of the High Commissioner for Human Rights: Indigenous Peoples(<https://www.ohchr.org/EN/Issues/IPeoples/Pages/AboutIndigenousPeoples.aspx>)

Danish Institute for Human Rights, Indigenous Peoples(<https://globalnaps.org/issue/indigenous-peoples/>)

## Has the State developed operational procedures or mechanisms for consultation with indigenous peoples at the following levels?

	Yes	No
National level	<input type="radio"/>	<input type="radio"/>
Subnational (provincial/state) level	<input type="radio"/>	<input type="radio"/>

Local level	<input type="radio"/>	<input type="radio"/>
Project level	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

## Guidance

*(This question should be answered if the respondent selected answer 'yes' in question no 8.10.3)*

This question assesses whether operational mechanisms and processes have been put in place for consultations at the local, sub-national/regional/provincial, and national levels respectively. The requirement for undertaking consultations with indigenous peoples enshrined in articles 19 and 32(2) of UN Declaration on the Rights of the Indigenous Peoples implies the establishment of institutionalized mechanisms for regular and broad consultation, as well as consultation mechanisms at other administrative levels, ensuring that consultations can take place at the appropriate level.

### 8.11. In the last 5 years, have there been abuses, or allegations of abuses, that businesses headquartered and/or operating in your country were involved in:

	Yes, there have been systematic and/or widespread abuses, or allegations of abuses	Yes, there have been sporadic abuses, or allegations of abuses	No, no cases known
Large-scale land acquisition, land use or resource extraction without indigenous peoples' free, prior and informed consent?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Incidents of displacement or relocation of indigenous peoples without free, prior and informed consent?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

## Guidance

Please carry out a desk-based research of public sources such as international and national NGOs, the national human rights institution, government reports and statistics, UN agencies and regional intergovernmental organisations and the media. Relevant international sources to consult for answering this question include:

The Business and Human Rights Resource Centre(<https://www.business-humanrights.org/en/latest-news/?&language=en>), an NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.

If the abuses are concentrated in a particular sector or connected to certain companies such as state owned enterprises, transnational companies, SMEs, companies from certain home states, please indicate that in the comment box.

## 9. ENVIRONMENTAL PROTECTION

The interconnections between environmental protection and human rights have been increasingly recognised and there is a widespread consensus that a safe, and sustainable environment is integral to the full enjoyment of a wide range of human rights, including the rights to life, health, food, water and sanitation. This domain contains questions aimed at understanding the extent to which the State has adopted and implemented relevant environmental regulations and policies with implications for the State duty to protect against human rights abuses by businesses.

### General

#### 9.1. Does the national legislation recognize:

	Yes	No
The state obligation to provide for and facilitate public participation in decision making related to the environment?	<input type="radio"/>	<input type="radio"/>
The state obligation to provide public access to environmental information held by public authorities?	<input type="radio"/>	<input type="radio"/>
The state obligation to provide for access to remedies for violations of domestic laws related to the environment?	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

### Guidance

This question assesses whether key human rights principles are included in the domestic legislation on environmental protection. These principles are included in the Framework Principles on Human Rights and the Environment(<https://www.ohchr.org/sites/default/files/Documents/Issues/Environment/SREnvironment/FrameworkPrinciplesUserFriendlyVersion.pdf>) developed by the UN Special Rapporteur on Human Rights and the Environment, as well as the 1992 Rio Declaration on Environment and Development and the legally binding Aarhus Convention.

### Learn more:

Danish Institute for Human Rights: Environment & Climate Change(<https://globalnaps.org/issue/environment-and-climate-change/>)

#### 9.2. Does the national legislation require businesses to conduct an environmental impact assessment for proposed activities likely to have a significant adverse impact on the environment?

Yes

No

**Status:** open

**Review status:** Not reviewed

## Guidance

Environmental impact assessments are a procedure that ensures that the environmental, and sometimes social implications, of economic decisions, projects or activities, are taken into account before the actual decisions are made. According to the Framework Principles on Human Rights and the Environment (<https://www.ohchr.org/sites/default/files/Documents/Issues/Environment/SREnvironment/FrameworkPrinciplesUserFriendlyVersion.pdf>) developed by the UN Special Rapporteur on Human Rights and the Environment, States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights.

### 9.3. Below are listed several shortcomings that might impair the effectiveness of the environmental impact assessment (EIA) regulations in preventing and mitigating impacts on environment and indirectly on human rights. Choose the one(s) that apply to your country.

- The screening criteria are not clearly defined and/or include loopholes that result in certain type of projects with significant impacts not being subject to the requirement for an EIA

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- The provisions on public participation do not include realistic timelines and/or provide for the timely and meaningful input of affected individuals throughout the stages of EIA

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- There are no requirements on an accreditation system for the consultants carrying out environmental impact assessments and/or on their independence

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- Other shortcomings (please explain in the comment box)

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- No shortcomings identified

**Status:** open

**Review status:** Not reviewed

## Guidance

Consult the relevant national legislation as well as studies assessing the national legislation against best practice. Check this resource for an overview of the EIA process (<https://www.eia.nl/en/publications/videos>). Check if your country is covered in this global database (<https://www.eia.nl/en/topics/esia-sea/introduction2>) analysing EIA legislation.

### 9.4. Does the requirement for an environment impact assessment includes the assessment of social and health impacts?

- Yes, it includes social impacts
-

Yes, it includes health impacts

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No

**Status:** open

**Review status:** Not reviewed

## Guidance

This question aims to assess whether the national legislation on environmental impact assessment includes references to social and/or health impacts which usually touch upon human rights impacts. For example, social elements that can be considered in an environmental impact assessment include impacts related to land acquisition and resettlement, loss of livelihoods and access to resources, job creation and labour influx related impacts.

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### 9.5. Does the requirement for an environment impact assessment acknowledge that certain environmental impacts might disproportionately affect children and women?

Yes

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No

**Status:** open

**Review status:** Not reviewed

## Guidance

According to the Framework Principles on Human Rights and the Environment (<https://www.ohchr.org/sites/default/files/Documents/Issues/Environment/SREnvironment/FrameworkPrinciplesUserFriendlyVersion.pdf>) developed by the UN Special Rapporteur on Human Rights and the Environment, States should take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities. Children, for example, might be particularly susceptible to environmental harm such as pollution because their bodies are still developing.

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### 9.6. Are the domestic standards on outdoor air quality in accordance with WHO standards:

Yes

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No

**Status:** open

**Review status:** Not reviewed

## Guidance

This question assesses whether national standards on outdoor air quality are in line with the standards recommended by the World

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Health Organisation (WHO) that can be found here([https://www.who.int/phe/health\\_topics/outdoorair/outdoorair\\_agg/en/](https://www.who.int/phe/health_topics/outdoorair/outdoorair_agg/en/)). Relevant international sources to consult include:

The Environmental Performance Index(<https://epi.yale.edu/epi-results/2020/component/epi>) where you can find how your country is ranked on air quality.

## Learn more

Special Rapporteur on Human Rights and the Environment, Report on clear air and human rights(<https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/CleanAir.aspx>), presented to the UN Human Rights Council

### 9.7. Are the domestic standards for drinking water quality in accordance with WHO standards?

Yes

No

**Status:** open

**Review status:** Not reviewed

## Guidance

This question assesses whether national standards on water quality are in line with the standards recommended by the World Health Organisation (WHO) that can be found here(<https://www.who.int/teams/environment-climate-change-and-health/water-sanitation-and-health/water-safety-and-quality/publications#gdwq>). Relevant international sources to consult include:

The Environmental Performance Index(<https://epi.yale.edu/epi-results/2020/component/epi>) where you can find how your country is ranked on the quality of its water and sanitation.

## Learn more

Water has been recognised as a stand-alone human right by the General Assembly in 2010. The UN Human Rights Council clarified that the right is derived from the right to an adequate standard of living. The right requires that drinking water for personal and domestic usage is safe and acceptable, as well as available, accessible and affordable for all without discrimination.

Office of the High Commissioner for Human Rights, The Right to Water and Sanitation Toolkit(<https://www.ohchr.org/EN/Issues/ESCR/Pages/Water.aspx>)

### 9.8. Below is a list of common implementation challenges of environmental standards. Choose the one(s) that apply to your country.

Environmental authorities mandated to inspect businesses have limited resources and capacity

Environmental authorities mandated to inspect businesses are not independent

The penalties and fines for non-compliance with environmental regulations are inadequate and do not pre-empt further abuses

- Environmental authorities mandated to inspect businesses have insufficient enforcement powers

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- National courts are not effectively prosecuting environmental law violations by businesses

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- Other challenges (please explain in the comment box)

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- No implementation challenges identified

**Status:** open

**Review status:** Not reviewed

## Guidance

This question assesses typical challenges faced by environmental authorities that can obstruct the effective enforcement of environmental regulations. While inherently a subjective/evaluative question, please substantiate your answer by indicating the basis for this assessment in the comment box. Please carry out a desk-based research of public sources such as international and national NGOs, the national human rights institution, government reports and statistics, UN agencies, regional intergovernmental organisations and the media. Relevant international sources to consult for answering this question include:

The UN universal human rights Index (<https://uhri.ohchr.org/en/search-human-rights-recommendations>) where you can find whether the state received recommendations from the UN human rights bodies on the state duty to protect against environmental harms. By using the search function in the Index you could filter results by themes such as “business and human rights”, “human rights and the environment”.

### 9.9. In the last 5 years, have there been abuses, or allegations of abuses, by businesses headquartered and/or operating in your country in respect to the following issues:

	Water contamination	Deforestation	Air pollution	Toxic waste	Violence against environmental human rights defenders	Other (please explain in comment box)
Yes, there have been systematic and/or widespread abuses, or allegations of abuses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Yes, there have been sporadic abuses, or allegations of abuses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No, no cases known	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Status:** open

**Review status:** Not reviewed

## Guidance

Businesses can harm the environment through pollution, contamination of livelihoods and resources, industrial disasters, amongst others, all with negative implications for human rights. Please carry out a desk-based research of public sources such as international and national NGOs, the national human rights institution, government reports and statistics, UN agencies, regional intergovernmental organisations and the media. Relevant international sources to consult for answering this question include:

The Business and Human Rights Resource Centre(<https://www.business-humanrights.org/en/latest-news/?&language=en>), an NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.

The Global Witness, an international NGO that works on natural resources exploitation, publishes an annual report on land and environmental defenders(<https://www.globalwitness.org/en/campaigns/environmental-activists/>).

The data collected can be used to respond to the following global SDG indicators:

SDG indicator 12.4.2: (a) *Hazardous waste generated per capita*; global SDG indicator 16.10.1: *Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months*

SDG indicator 11.7.2: *Reported cases of hate speech and physical and/or sexual harassment (online and offline) of journalists, associated media personnel, trade unionists and human rights advocates (in the previous 12 months, 24 months, 36 months)*.

If the abuses are concentrated in a particular sector or connected to certain companies such as state owned enterprises, transnational companies, SMEs, companies from certain home states, please indicate that in the comment box.

### 9.10. This field gives you the option to highlight certain aspects of the domain for follow-up.

Summary

**Status:** open

**Review status:** Not reviewed

## 10. CONSUMER PROTECTION

While consumer protection and human rights have historically evolved as distinct bodies of law, it is increasingly recognised that consumer protection frameworks can play an important role in preventing business related human rights abuses, including in the areas of health, food, data protection and privacy. This domain focuses on the domestic framework on consumer protection and is informed by the UN Guidelines on Consumer Protection, the leading international framework on best practices in this regulatory area.

## General

### 10.1. Has the State taken regulatory measures to ensure that products manufactured, distributed and sold by businesses are safe for their intended or foreseeable use?

- Yes, fully, e.g. all products are safely regulated
- 
- Yes, to some extent, e.g. some product regulations have been established, but not all products are safely regulated
- 
- No, e.g. there are no product regulations in place

**Status:** open

**Review status:** Not reviewed

### Guidance

Consider whether the measures in place to protect consumer health and safety, including laws, safety regulations, standards, are adequate. For an overview of best practices in this area see the UN Guidelines for Consumer Protection. For example, according to the UN Guidelines, States should have policies whereby if a product is found to be seriously defective and/or represent a substantial hazard, producers should recall it and replace or modify it, or substitute another product for it.

### Learn more:

UN Guidelines for Consumer Protection (<https://unctad.org/topic/competition-and-consumer-protection/un-guidelines-on-consumer-protection#:~:text=The%20United%20Nations%20Guidelines%20for.formulating%20and%20enforcing%20domestic%20and>)

### 10.2. Does the national legislation require businesses to respect the right to privacy by ensuring the security of personal data collected, stored, processed or disseminated, including electronic data?

- Yes, fully, e.g. there is a data protection law that provides comprehensive protection to consumers
- 
- Yes, to some extent, e.g. there is a data protection law but has significant loopholes
- 
- No, e.g. there is no data protection law in place

**Status:** open

**Review status:** Not reviewed

### Guidance

If there is a regulation in place, use the comment box to provide your reflection on the quality of its enforcement, including by explaining whether there is a dedicated body set up to monitor and enforce the law against private companies. Also note whether national authorities have a mandate to mass collect data and whether private sector companies such as telecom companies have been required to transfer sensitive, personal data to authorities.

## Learn more

Office of the High Commissioner for Human Rights: Digital privacy and human rights(<https://www.ohchr.org/en/issues/digitalage/pages/digitalageindex.aspx>)

European Union: Global Data Protection Regulation([https://ec.europa.eu/info/law/law-topic/data-protection\\_en](https://ec.europa.eu/info/law/law-topic/data-protection_en))

Danish Institute for Human Rights: Data Protection & Privacy(<https://globalnaps.org/issue/data-protection-and-privacy/>)

### 10.3. Does the national legislation restrict and/or prohibit the marketing and advertising of harmful, unhealthy and dangerous products and services to children?

	Yes	No
Tobacco	<input type="radio"/>	<input type="radio"/>
Alcohol	<input type="radio"/>	<input type="radio"/>
Unhealthy food and beverages	<input type="radio"/>	<input type="radio"/>
Unrealistic body images tied to product marketing	<input type="radio"/>	<input type="radio"/>

**Status:** open

**Review status:** Not reviewed

## Guidance

The question aims to assess whether the State has taken regulatory measures to ensure that the marketing and advertising of certain products to children do not have adverse impacts on their health and well-being.

## Learn more

World Health Organisation: Recommendations(<https://www.who.int/publications/i/item/9789241500210>) on marketing of foods and non-alcoholic beverages to children

United Nations Children's Fund (UNICEF): A child rights-based approach to food marketing([https://www.unicef.nl/files/A%20Child%20Rights-Based%20Approach%20to%20Food%20Marketing\\_Report.pdf](https://www.unicef.nl/files/A%20Child%20Rights-Based%20Approach%20to%20Food%20Marketing_Report.pdf)): A Guide for Policy Makers

### 10.4. Does the national legislation require businesses to provide accurate, verifiable and clear information that is sufficient to enable consumers to make informed decisions, including information on content, safe use, environmental attributes, maintenance, storage and disposal of goods and services?

Yes

No

**Status:** open

**Review status:** Not reviewed

## Guidance

Access by consumers to adequate information to make informed choices is a necessary minimum component of effective consumer legislation. Certain countries have laws that prevent businesses from making false or deceptive claims about the products they advertise. This question assesses whether the national legislation imposes adequate transparency requirements on businesses.

### 10.5. Are businesses required to provide consumers with access to fair, easy to use, timely and effective non-judicial dispute resolution and redress mechanisms?

- Yes, fully, e.g. there is a satisfactory legal regime and consumers have access to neutral resolution mechanisms whose decisions are implemented by businesses

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- Yes, to some extent, e.g. there is a satisfactory legal regime, but consumers don't have access to neutral dispute resolution mechanism and/or consumer friendly decisions are oftentimes disregarded and must be enforced in judicial disputes

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- No, e.g. there is an unsatisfactory legal regime (no requirements or weak requirements)

**Status:** open

**Review status:** Not reviewed

## Guidance

This question aims to assess whether businesses are expected to provide consumers with remedy mechanisms. According to the UN Guidelines for Consumer Protection, States should encourage businesses to resolve consumer disputes in a fair, transparent, inexpensive, accessible and informal manner, and to establish complaints procedures that can provide assistance to consumers. It should be noted that businesses should not prevent consumers from accessing state-based judicial remedy mechanisms, for example through mandatory arbitration clauses included in terms of service and/or contracts.

### 10.6. Below is a list of common implementation challenges of consumer legislation. Choose the one(s) that apply to your country.

- Competent consumer authorities are not adequately resourced and capacitated

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- Competent consumer authorities are not independent

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- The penalties and fines for non-compliance with consumer law are not adequate to prevent further abuses

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- There are no legal options for collective redress or the provisions for collective redress are not practically useable

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- Competent consumer authorities have insufficient enforcement powers e.g. impose financial penalties, revoke or suspend licenses or authorizations, order the cessation of dangerous work, initiate prosecutions

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- National courts are not effectively prosecuting consumer rights abuses

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- Other challenges (explain in the comment box)

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- No implementation challenges identified

**Status:** open

**Review status:** Not reviewed

## Guidance

Please carry out a desk-based research of public sources such as international and national NGOs, the national human rights institution, government reports and statistics, UN agencies, regional intergovernmental organisations and the media. While inherently a subjective/evaluative question, please substantiate your answer by indicating the basis for this assessment in the comment box.

### 10.7. In the last 5 years, have there been consumer rights abuses, or allegation of abuses, by businesses headquartered and/or operating in your country?

- Yes, there have been systematic and/or widespread abuses, or allegations of abuses

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- Yes, there have been sporadic abuses, or allegations of abuses

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- No, not cases known

**Status:** open

**Review status:** Not reviewed

## Guidance

Please carry out a desk-based research of public sources such as international and national NGOs, the national human rights institution, government reports and statistics, UN agencies, regional intergovernmental organisations and the media. Please use the comment box to specify which type of abuses are most common. Relevant international sources to consult for answering this question include:

The Business and Human Rights Resource Centre(<https://www.business-humanrights.org/en/latest-news/?&language=en>), an NGO that tracks the human rights impacts of over 9,000 companies in more than 180 countries.

If the abuses are concentrated in a particular sector or connected to certain companies such as state owned enterprises, transnational companies, SMEs, companies from certain home states, please indicate that in the comment box.

## 10.8 This field gives you the option to highlight certain aspects of the domain for follow-up.

Summary

**Status:** open

**Review status:** Not reviewed

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Respondents

Operate Technology (support@operate.dk)

Co-respondent(s)

Reviewer(s)