



House of Lords

JOINT COMMITTEE ON HUMAN RIGHTS

COMMITTEE OFFICE, HOUSE OF COMMONS
7 MILLBANK, LONDON SW1P 3JA



House of Commons

6 March 2009

Session 2008–09 No. 21

CALL FOR EVIDENCE

Business and Human Rights

The Joint Committee on Human Rights has decided to inquire into business and human rights; the way in which businesses can affect human rights both positively and negatively; how business activities engage the relative responsibilities of the UK Government and individual businesses; and whether the existing UK regulatory, legal and voluntary framework provides adequate guidance and clarity to business as well as adequate protection to individual rights.

Professor John Ruggie, the UN Special Representative on Human Rights and transnational corporations and other business enterprises, has said that “there are few, if any, internationally recognized rights business cannot impact – or be perceived to impact – in some manner”. He also recognised that Governments do not help businesses if they fail to provide adequate guidance on the human rights impacts of their business activities.¹

The UN Special Representative has recently proposed a new policy framework for the business and human rights debate. This framework is based on three core principles:

- the State duty to protect against human rights abuses by third parties, including businesses;
- a corporate responsibility to respect human rights; and
- the need for individuals to have effective access to remedies for breaches of their human rights.

In June 2008, the UN Human Rights Council endorsed this framework and asked the Special Representative to provide more practical recommendations for the operation of the framework before 2011.

The Committee has reported on a number of occasions on the scope of the Human Rights Act 1998 and the circumstances in which private sector entities, performing a public function, will be subject to the duty to act in a Convention compatible way.² The Committee has called for clarity in the application of the Human Rights Act 1998 to publicly funded care homes; providers of social housing and private bodies performing functions involving the treatment of children. A number of services which might previously be provided by a public body are provided in the UK by private providers, subject to regulation, for example the provision of utilities or public transport. It is now widely accepted, including by many businesses, that business can affect the human rights of individuals not only when performing public functions, but in their everyday activities. For example, a recent topical issue which the Committee has considered is the right to adequate procedural protection for those facing repossession of their homes.

Interested persons and bodies are invited to submit written evidence for consideration by the Committee by **1 May 2009**. This call for evidence identifies the questions in relation to which the Committee would particularly welcome evidence. The Committee would also welcome views on other matters relevant to business and human rights. The Committee intends to hold oral evidence sessions in the early summer.

The Committee has adopted the framework of the UN Special Representative for the purposes of formulating the questions on which it would particularly welcome evidence. It would also welcome submissions on the effectiveness and viability of this framework; and next steps for the UK.

The duty of the State to protect human rights

1. How do the activities of UK businesses affect human rights both positively and negatively?
2. How do these activities engage the human rights obligations of the UK?
3. Are there any gaps in the current legal and regulatory framework for UK business which need to be addressed, and if so, how?

¹ A/HRC/8/5 7 April 2008, paragraph 22

² See for example, Ninth Report of 2006-07, *The Meaning of Public Authority under the Human Rights Act*, HL 77/ HC 410

4. Does the UK Government give adequate guidance to UK businesses to allow them to understand and support the human rights obligations of the UK? If not, who should provide this guidance?
5. What role, if any, should be played by individual Government departments or the National Human Rights Institutions of the UK?

The responsibility of businesses to respect human rights

6. How should UK businesses take into account the human rights impact of their activities (and are there any examples of good or bad practice which the Committee should consider)? How can a culture of respect for human rights in business be encouraged?
 - Should UK businesses' responsibility to respect human rights vary according to:
 - Whether or not they are performing public functions or providing services which have been contracted out by public authorities; Is it clear when the Human Rights Act 1998 does and does not apply directly to businesses?
 - Whether they are operating inside or outside the UK;
 - the size, type or nature of their business?
 - How, if at all, should the current economic climate affect the relationship between business and human rights?

Effective access to remedies

7. Does the existing legal, regulatory and voluntary framework in the UK provide adequate opportunity to seek an appropriate remedy for individuals who allege that their human rights have been breached as a result of the activities of UK businesses?
8. If changes are necessary, should these include:
 - Judicial remedies (If so, are legislative changes necessary to create a cause of action, or to clarify that a cause of action exists; or to enable claims to proceed efficiently and in a manner that is fair to both claimants and respondents);
 - Non-judicial remedies (for example, through the operation of ombudsmen, complaints mechanisms, mediation or other non-judicial means). If non-judicial remedies are appropriate, are there any examples of good or bad practice which the Committee should consider?
 - Government initiatives, whether by legislation, statutory or other guidance or changes in policy;
 - Initiatives by business or other non-Government actors.

Submissions should be no longer than 2,500 words and should be addressed to Dr Mark Egan, Commons Clerk of the Joint Committee on Human Rights, Committee Office, House of Commons, 7 Millbank, London SW1P 3JA. Electronic submission is acceptable, but a signed hard copy should also be sent. In any event, witnesses are asked wherever possible to accompany hard copy by an electronic version, preferably in Word format, and emailed to jchr@parliament.uk.

Evidence becomes the property of the Committee, and may be printed, placed on the Internet or circulated by the Committee at any stage. You may publicise or publish your evidence yourself, but in doing so you must indicate that it was prepared for the Committee. Evidence published other than under the authority of the Committee does not attract parliamentary privilege.

THE MEMBERS OF THE COMMITTEE ARE:

Mr Andrew Dismore MP (Labour, <i>Hendon</i>) (Chairman)	Lord Bowness (<i>Conservative</i>)
John Austin MP (Labour, <i>Erith & Thamesmead</i>)	Lord Dubs (<i>Labour</i>)
Dr Evan Harris MP (Liberal Democrat, <i>Oxford West & Abingdon</i>)	Lord Lester of Herne Hill (<i>Liberal Democrat</i>)
Mr Virendra Sharma MP (Labour, <i>Ealing, Southall</i>)	Lord Morris of Handsworth (<i>Labour</i>)
Mr Richard Shepherd MP (Conservative, <i>Aldridge-Brownhills</i>)	The Earl of Onslow (<i>Conservative</i>)
Mr Edward Timpson MP (Conservative, <i>Crewe and Nantwich</i>)	Baroness Prashar (<i>Cross-Bencher</i>)

Clerks of the Committee: Dr Mark Egan (House of Commons) 020 7219 2797 and Rebecca Neal (House of Lords) 020 7219 6772

ENQUIRIES: 020 7219 2797/2467 FAX: 020 7219 8393 E-MAIL: jchr@parliament.uk

HOME PAGE: <http://www.parliament.uk/jchr>

MEDIA INQUIRIES: Ms Jessica Bridges-Palmer: 020 7219 0724

ENDS/