



Polish Institute
for Human Rights
and Business

Human Rights in the business context

CEE&CA SA 25.09.2024



Polish Institute
for Human Rights
and Business

We are an independent, non-profit and impartial centre of expertise on human rights and business.

We work with government, business, civil society and trade unions to create **welcoming and collaborative spaces** for **dialogue, learning** and **creative approaches** that help companies do business with respect for human rights and further sustainable development.

DIALOGUE FACILITATION

RESEARCH & POLICY

CAPACITY BUILDING

AWARENESS RAISING



Universal Declaration of Human Rights (1948)

Article 1

All human beings are **born free and equal in dignity and rights**.

They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, **without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.**

Generations of rights (I, II, III...) BUT

Vienna Declaration and Programme of Action

adopted 25 June 1993 by
the World Conference on Human Rights in Vienna

5. All human rights are **universal, indivisible** and **interdependent** and **interrelated**.

The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

Duties of states under International Law

- The obligation to **respect** means that States must refrain from interfering with or curtailing the enjoyment of human rights.
- The obligation to **protect** requires States to protect individuals and groups against human rights abuses.
- The obligation to **fulfill** means that States must take positive action to facilitate the enjoyment of basic human rights.

Universal level: Core Human Rights treaties

ADOPTED 21 DEC 1965 International Convention on the Elimination of All Forms of Racial Discrimination	ADOPTED 16 DEC 1966 International Covenant on Civil and Political Rights	ADOPTED 16 DEC 1966 International Covenant on Economic, Social and Cultural Rights	ADOPTED 06 OCT 1999 Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	ADOPTED 25 MAY 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	ADOPTED 25 MAY 2000 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
ADOPTED 17 DEC 1966 Optional Protocol to the International Covenant on Civil and Political Rights	ADOPTED 18 DEC 1979 Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979	ADOPTED 10 DEC 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	ADOPTED 18 DEC 2002 Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	ADOPTED 12 DEC 2006 Convention on the Rights of Persons with Disabilities	ADOPTED 13 DEC 2006 Optional Protocol to the Convention on the Rights of Persons with Disabilities
ADOPTED 20 NOV 1989 Convention on the Rights of the Child	ADOPTED 15 DEC 1989 Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	ADOPTED 18 DEC 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	ADOPTED 10 DEC 2008 Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	ADOPTED 23 DEC 2010 International Convention for the Protection of All Persons from Enforced Disappearance	ADOPTED 19 DEC 2011 Optional Protocol to the Convention on the Rights of the Child on a communications procedure

■ International Bill of Rights:

- Universal Declaration of Human Rights
- International Covenant of Civil and Political Rights
- International Covenant of Economic, Social and Cultural Rights

International Covenant on Civil and Political Rights (1966)

- Art. 1 Right to self-determination
- Art. 2 Implementation in the domestic system.
Prohibition of discrimination
- Art. 3 Equal right of men and women
- Art. 4 Time of public emergency
- Art. 5 Basic principles to interpret the treaty
- Art. 6 Right to life
- Art. 7 Right not to be subjected to torture, cruel, inhuman and/or degrading treatment
- Art. 8 Right not be subjected to slavery, servitude or forced labour
- Art. 9 Right to liberty and security of person
- Art. 10 Right of detained persons to humane treatment
- Art. 11 Prohibition of imprisonment for an inability to fulfil a contract
- Art. 12 Right to freedom of movement
- Art. 13 Right of aliens to due process when facing expulsion
- Art. 14 Right to a fair trial
- Art. 15 Right to be free from retroactive criminal law
- Art. 16 Right to recognition as a person before the law
- Art. 17 Right to privacy
- Art. 18 Right to freedom of thought, conscience and religion
- Art. 19 Right to freedom of opinion and expression, incl. right to freedom of information
- Art. 20 Right to be free from war propaganda, hate speech etc.
- Art. 21 Right to freedom of peaceful assembly
- Art. 22 Right to freedom of association
- Art. 23 Right to protection of the family and the right to marry
- Art. 24 Right to protection of the child and right to acquire nationality
- Art. 25 Right to participate in public affairs
- Art. 26 Right to equality before the law, equal protection of the law and rights of non-discrimination
- Art. 27 Rights of minorities (culture, religious, languages)

International Covenant on Economic, Social and Cultural Rights (1966)

Art 2: Prohibition of discrimination

Art 6: right to work

Art 7: right to enjoy just and favourable conditions of work / right to equal pay for equal work / right to safe and healthy working conditions

Art 8: right to form and join trade unions and the right to strike

Art 9: right to social security, including social insurance

Art 10: right to family life

Art 11: right to adequate standard of living, incl. right to adequate food, right to adequate clothing, housing, water and sanitation

Art 12: right to health

Art 13-14: right to education

Art 15: right to take part in cultural life, to benefit from scientific progress and of the material and moral rights of authors and inventors

ILO Fundamental conventions

1. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
2. Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
3. Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol)
4. Abolition of Forced Labour Convention, 1957 (No. 105)
5. Minimum Age Convention, 1973 (No. 138)
6. Worst Forms of Child Labour Convention, 1999 (No. 182)
7. Equal Remuneration Convention, 1951 (No. 100)
8. Discrimination (Employment and Occupation) Convention, 1958 (No. 111) .
9. Occupational Health and Safety Convention, 1981 (No. 155)
10. Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

Universal level monitoring mechanisms

TREATY-BASED

- CERD (Committee on the Elimination of Racial Discrimination)
- Human Rights Committee
- Committee Against Torture...
- Itd..

CHARTER-BASED

- Human Rights Council
 - Special procedures:
 - Thematic mandates (eg. UNWG on BHR)
 - Country mandates
 - Universal Periodic Review
 - Independent investigations

Regional systems of human rights protection

- European Convention on Human Rights /Council of Europe/
- The American Convention on Human Rights; The American Declaration of the Rights and Duties of Man /Organization of American States, [Inter-American Human Rights System/](#)
- The African Charter on Human and Peoples' Rights /African Union/
- The Arab Charter on Human rights / League of Arab States

Regional systems of monitoring

- European Convention on Human Rights
/Council of Europe/
- The American Convention on Human Rights;
The American Declaration of the Rights and
Duties of Man /Organization of American
States, [Inter-American Human Rights System/](#)
- The African Charter on Human and Peoples'
Rights /African Union/
- The Arab Charter on Human rights /League of
Arab States/
- European Court of Human Rights
- Inter-American Commission and
the Inter-American Court of Human
Rights
- African Commission on Human
Rights and the Rights of Peoples

**Human Rights Council****Forty-eighth session**

13 September–8 October 2021

Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Armenia,* Bhutan,* Bosnia and Herzegovina,* Cabo Verde,* Chile,* Costa Rica,* Croatia,* Cyprus,* Dominican Republic,* Ecuador,* Fiji, Finland,* Germany, Greece,* Haiti,* Honduras,* Italy, Luxembourg,* Maldives,* Marshall Islands, Mexico, Monaco,* Montenegro,* Morocco,* Namibia, North Macedonia,* Panama,* Portugal,* San Marino* Slovakia,* Slovenia,* Spain,* Switzerland,* Tunisia,* Uruguay and Vanuatu*: draft resolution

48/... The human right to a safe, clean, healthy and sustainable environment*The Human Rights Council,**Guided by the purposes and principles of the Charter of the United Nations,**Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the Declaration on the Right to Development,*28 July 2022 | **Climate and Environment**

With 161 votes in favour, and eight abstentions*, the UN General Assembly adopted a historic resolution on Thursday, declaring access to a clean, healthy and sustainable environment, a universal human right.

The resolution, based on a [similar text adopted last year](#) by the [Human Rights Council](#)¹, calls upon States, international organisations, and business enterprises to scale up efforts to ensure a healthy environment for all.

The UN Secretary-General, António Guterres, welcomed the 'historic' decision and said the landmark development demonstrates that Member States can come together in the collective fight against the triple planetary crisis of climate change, biodiversity loss and pollution.



Sustainable Development Goal

- Any -

International instrument

- Any -

Article

Input field for Article

Keywords

Input field for Keywords

Search in instrument, target or article title/description

Target

Input field for Target

Country

- Any -

Display results applicable for selected country

Instrument type

- Any -

Reset

Search

- Print
- PDF
- Bookmark search
- Data/csv ?

Choose a goal **1** or a target **1.1** to see linkage to human rights.

The image shows a grid of 17 Sustainable Development Goals (SDGs) with their respective icons and target lists. Goal 7, 'Affordable and Clean Energy', is highlighted with a blue background. The goals are arranged in two rows: the first row contains goals 1 through 9, and the second row contains goals 10 through 17.

1 NO POVERTY 1.1 1.2 1.3 1.4 1.5 1.a 1.b	2 ZERO HUNGER 2.1 2.2 2.3 2.4 2.5 2.a 2.b 2.c	3 GOOD HEALTH AND WELL-BEING 3.1 3.2 3.3 3.4 3.5 3.6 3.7 3.8 3.9 3.a 3.b 3.c 3.d	4 QUALITY EDUCATION 4.1 4.2 4.3 4.4 4.5 4.6 4.7 4.a 4.b 4.c	5 GENDER EQUALITY 5.1 5.2 5.3 5.4 5.5 5.6 5.a 5.b 5.c	6 CLEAN WATER AND SANITATION 6.1 6.2 6.3 6.4 6.5 6.6 6.a 6.b	7 AFFORDABLE AND CLEAN ENERGY 7.1 7.2 7.3 7.a 7.b	8 DECENT WORK AND ECONOMIC GROWTH 8.1 8.2 8.3 8.4 8.5 8.6 8.7 8.8 8.9 8.10 8.a 8.b	9 INDUSTRY, INNOVATION AND INFRASTRUCTURE 9.1 9.2 9.3 9.4 9.5 9.a 9.b 9.c
10 REDUCED INEQUALITIES 10.1 10.2 10.3 10.4 10.5 10.6 10.7 10.a 10.b 10.c	11 SUSTAINABLE CITIES AND COMMUNITIES 11.1 11.2 11.3 11.4 11.5 11.6 11.7 11.a 11.b 11.c	12 RESPONSIBLE CONSUMPTION AND PRODUCTION 12.1 12.2 12.3 12.4 12.5 12.6 12.7 12.8 12.a 12.b 12.c	13 CLIMATE ACTION 13.1 13.2 13.3 13.a 13.b	14 LIFE BELOW WATER 14.1 14.2 14.3 14.4 14.5 14.6 14.7 14.a 14.b 14.c	15 LIFE ON LAND 15.1 15.2 15.3 15.4 15.5 15.6 15.7 15.8 15.9 15.a 15.b 15.c	16 PEACE, JUSTICE AND STRONG INSTITUTIONS 16.1 16.2 16.3 16.4 16.5 16.6 16.7 16.8 16.9 16.a 16.b	17 PARTNERSHIPS FOR THE GOALS 17.1 17.2 17.3 17.4 17.5 17.6 17.7 17.8 17.9 17.10 17.11 17.12 17.13 17.14 17.15 17.16 17.17 17.18 17.19	

Human Rights Principles For Companies



Amnesty International
January 1998

AI Index: ACT 70/01/98

HR&B - a bit of history ...

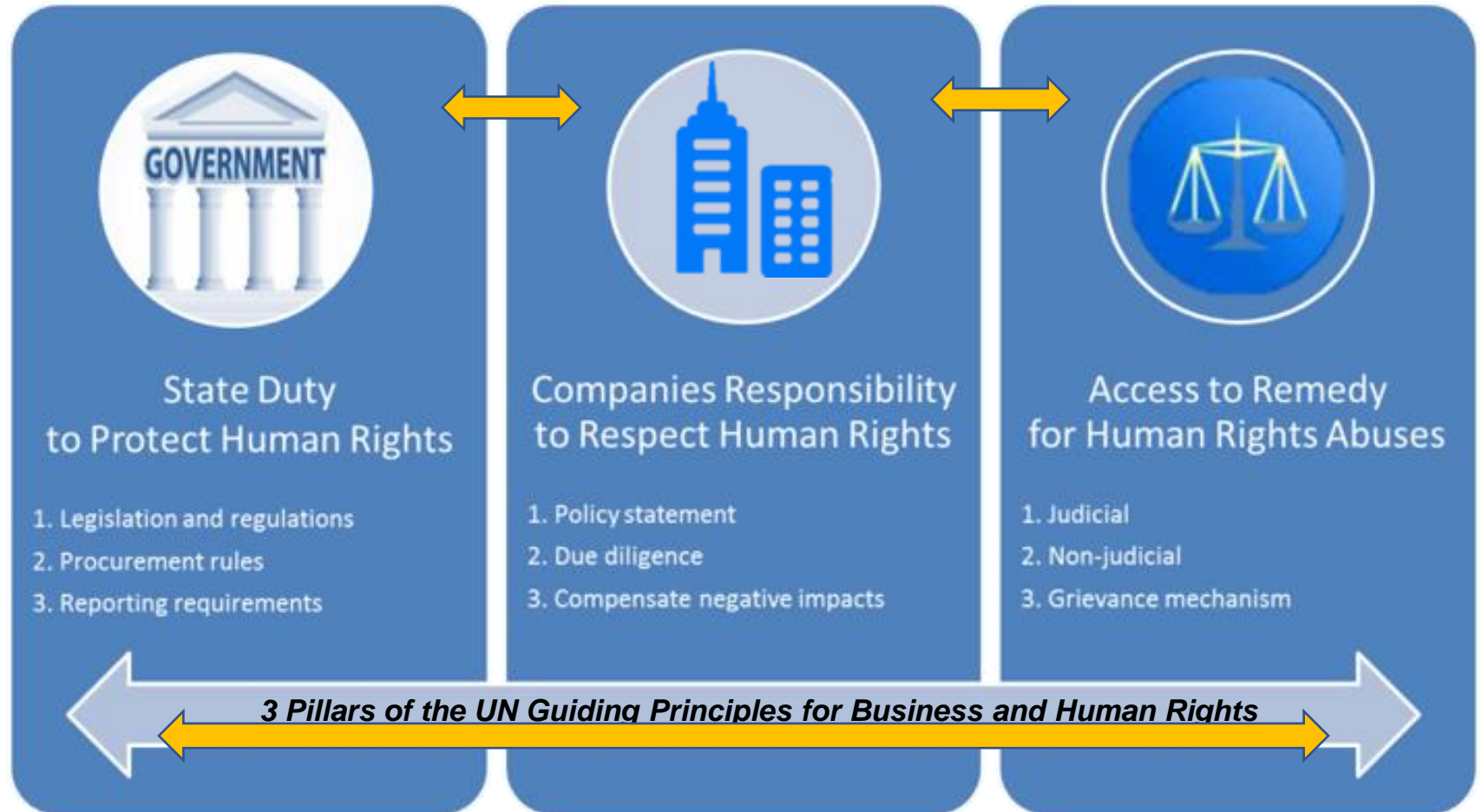
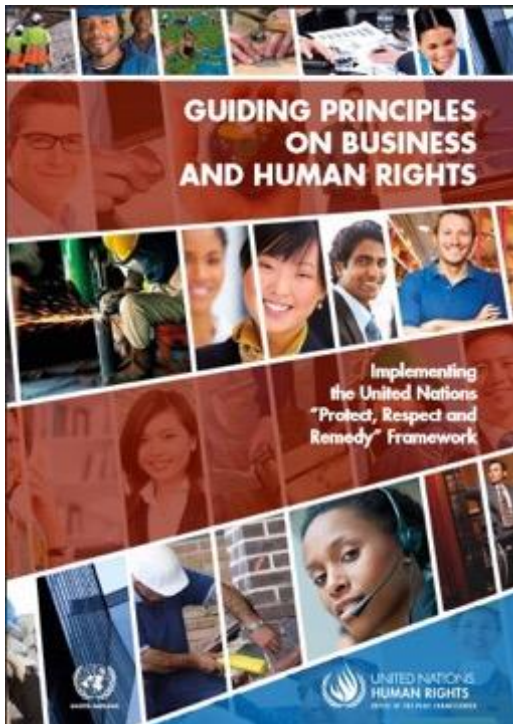
- **The UN Commission on Transnational Corporations**
Draft Code of Conduct on Transnational Corporations (1970'-90')
- **Draft UN Norms on B&HR (late 90'-2003)**

HR&B - a bit of history ... (cont.)

- **Special Representative of SG on HR&Business**
 - Protect, Respect & Remedy: a Framework for Business and Human Rights (A/HRC/8/5, 2008)
 - Guiding Principles on Business and Human Rights: Implementing the UN 'Protect, Respect and Remedy' Framework, 2011
- **UN Working Group on Business & HR (2011) + Annual UN Forum on BHR in Geneva**
- **Treaty process (since 2014)**
- **Role of the UN Treaty bodies & Universal Periodic Review, e.g.: CESCR**
„Obligations of states parties regarding the corporate sector and economic, social and cultural rights”

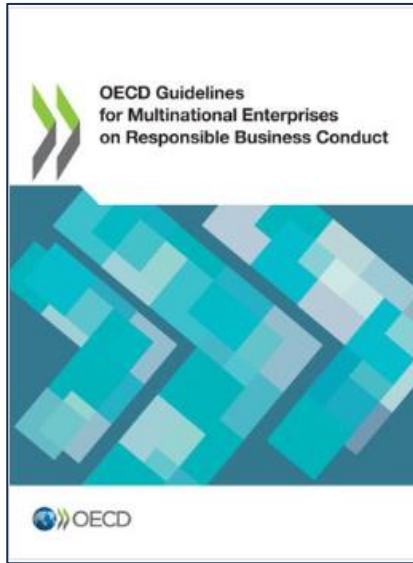
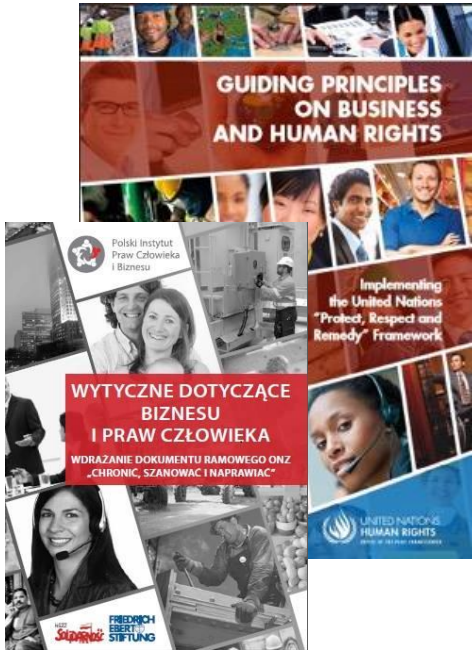
UNITED NATIONS
GUIDING PRINCIPLES
ON BUSINESS
& HUMAN RIGHTS

UN Guiding Principles on Business and Human Rights (2011)



31 Guiding Principles: **WHO** – Pillars **WHAT** – Fundamental Principles **HOW** – Operational Principles

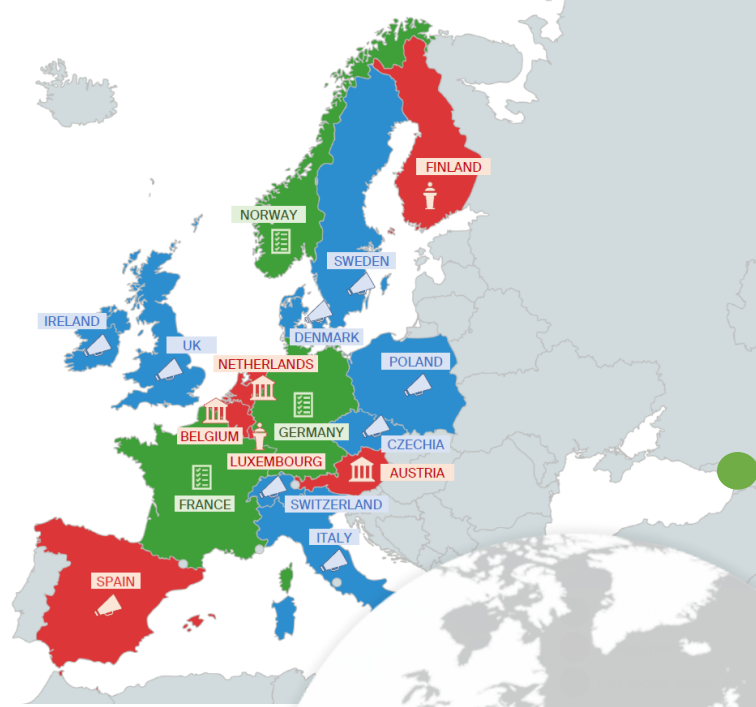
Key international standards and guidance



BENCHMARKS AND INITIATIVES



- FRANCE** Law on the duty of vigilance of parent and outsourcing companies
- GERMANY** Law on the corporate duty of care in supply chains
- NETHERLANDS** Law on child labour due diligence
- NORWAY** Law on business transparency and human rights and decent working conditions
- AUSTRIA** Parliamentary proposal for a supply chain law
- BELGIUM** Parliamentary proposal on the corporate duty of vigilance and care in value chains
- FINLAND** Government commitment to due diligence legislation
- LUXEMBOURG** Government commitment to due diligence legislation
- NETHERLANDS** Government commitment to due diligence legislation
Parliamentary proposal on responsible and sustainable international business conduct
- SPAIN** Government's Annual Regulatory Plan includes a legislative initiative on due diligence



USA (2016) - Law prohibiting import into the USA products made with the use forced labour or child labour
US - Executive Order 13627 Strengthening Protections Against Trafficking in Persons in Federal Contracts

USA (2010) - California Transparency in Supply Chains Act

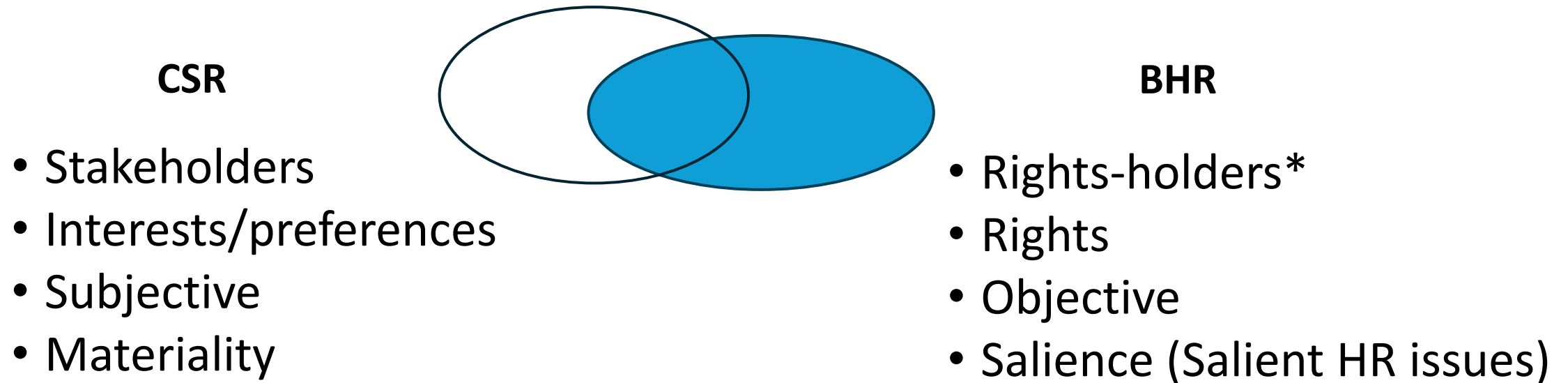
UK - Modern Slavery Act

Australia - Modern Slavery Act

Brazilia - MTE Decree No. 540/2004 „Dirty list”

Canada (2024) - Fighting against Forced and Child Labour in Supply Chains Act

CSR and Business & Human Rights



**Respect for human rights is not an altruism vis-a-vis stakeholders –
it is an obligation vis-a-vis rights-holders**

Human rights' spirit – not only a letter of law

Human Rights in Business Information Sheets



Prawo do życia rodzinnego – ochrony rodziny, w tym macierzyństwa



Prawo do wolności wypowiedzi



Prawo do wolności i bezpieczeństwa osobistego



Prawo do zakładania i przystępowania do związków zawodowych oraz prawo do strajku



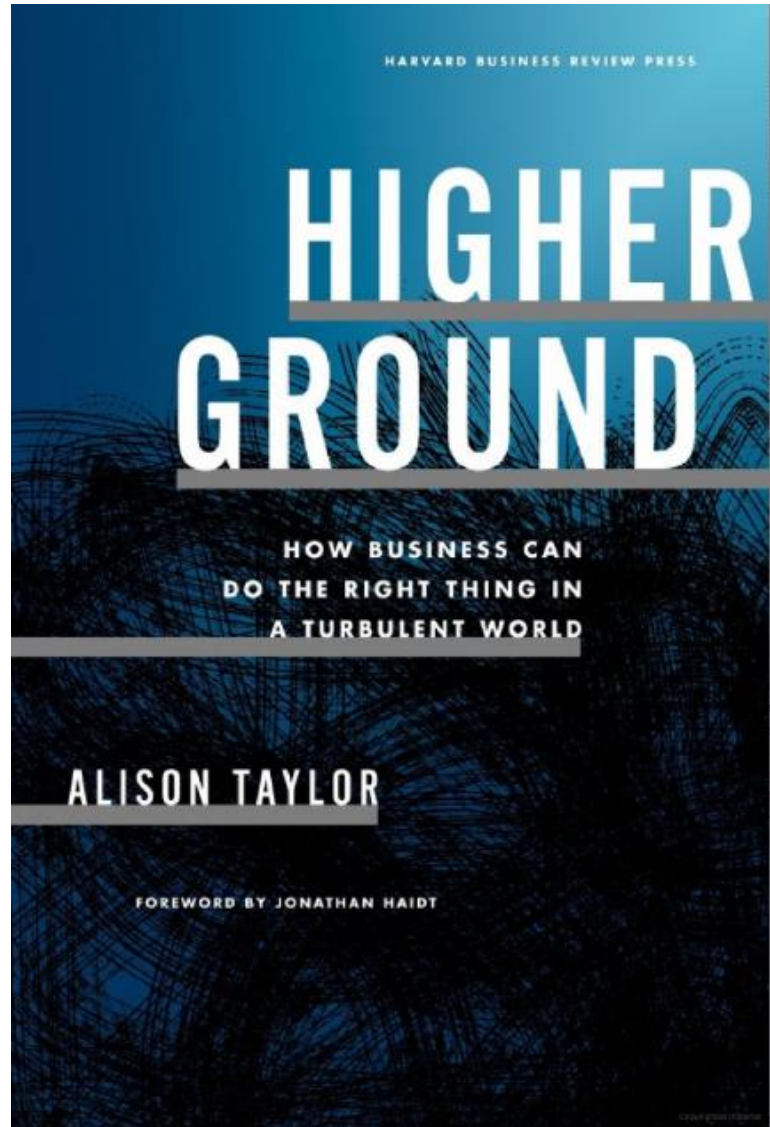
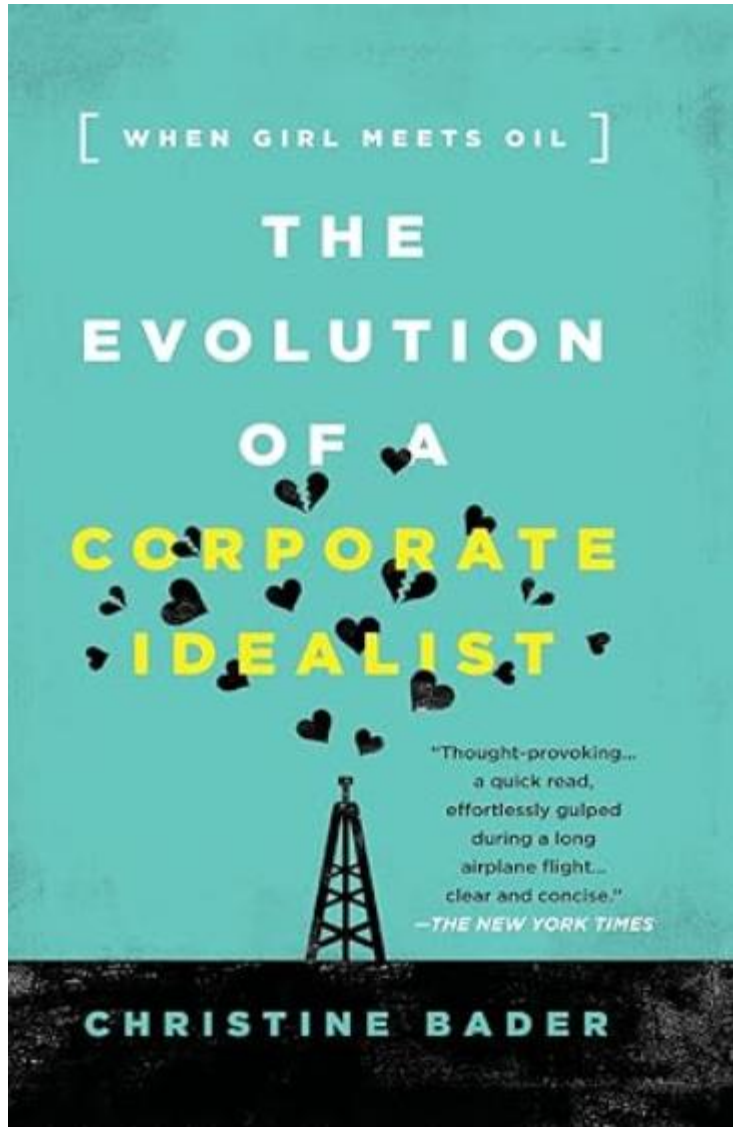
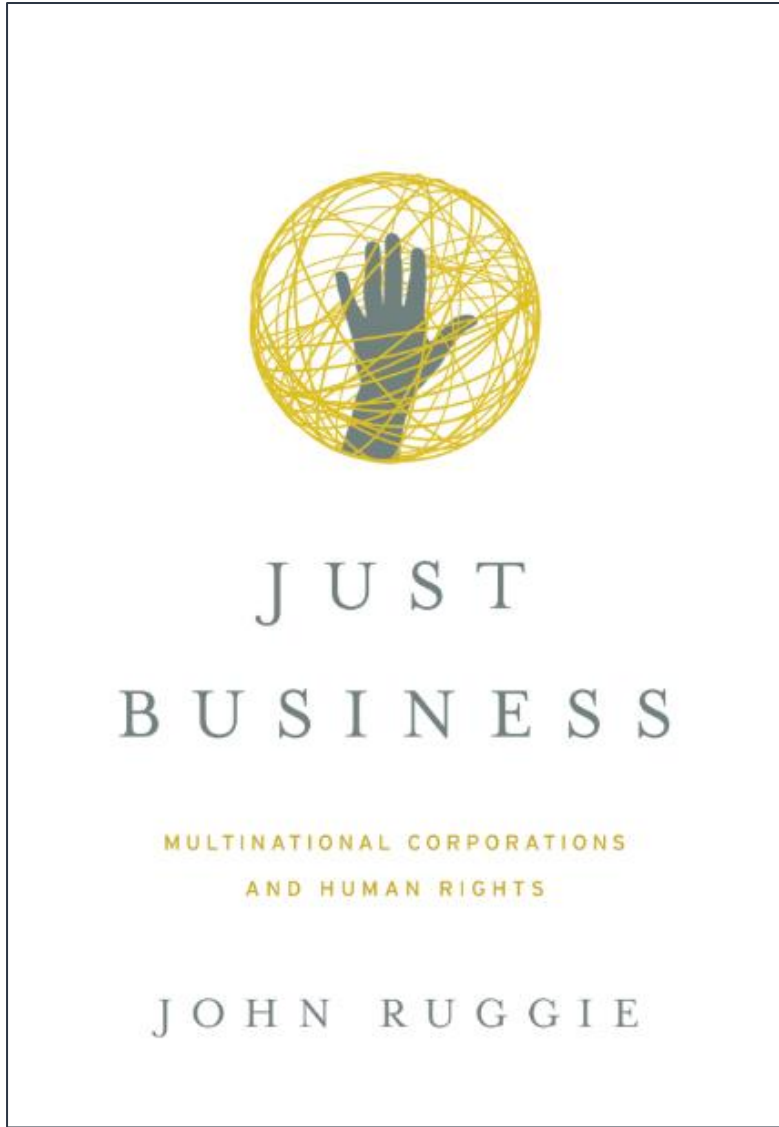
Prawo do pracy



Prawo do edukacji

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More: <https://pihrb.org/karty-praw-czlowieka>





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Thank you for your attention!

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