



## UN SPECIAL PROCEDURES “COMMUNICATIONS” INVOLVING BUSINESS: DATA AND TRENDS 2011-2021

*This information note is part of a series of outputs from the [UN Working Group on Business and Human Rights](#)<sup>1</sup> project entitled “Business and Human Rights: Towards a Decade of Global Implementation.”<sup>2</sup> Known as “UNGPs 10+”, the project is centred around the 10-year anniversary of the UN Guiding Principles on Business and Human Rights (UNGPs) in June 2021. The project is taking stock of achievements to date, assessing existing gaps and challenges, and developing roadmap for implementing the UNGPs more widely and more broadly in the UNGPs’ second decade.*

*The research and findings presented in this note were carried out thanks to the law firm DLA Piper UK LLP.*

### 1. Background

June 2021 marks the 10<sup>th</sup> anniversary of the UN Guiding Principles on Business and Human Rights (UNGPs) and their unanimous endorsement by the UN Human Rights Council. This endorsement by the Council established the UNGPs as the globally authoritative standard and baseline for what governments and businesses respectively need to do to embed respect for human rights in a business context, grounded in existing obligations and standards.

As part of its project ‘Business and human rights: towards a decade of global implementation’ (UNGPs 10+), the UN Working Group on Business and Human Rights (“UNWG”) is taking stock of the first ten years of UNGPs implementation. The stocktaking examines achievements, gaps and challenges of the first decade. The *focus of the present note is trends emerging from UN Special Procedures mandates’ “Communications” – letters sent to governments and others to seek information concerning allegations of human rights violations*<sup>3</sup> – involving business. It examined Communications by the UNWG in particular, in view of the UNWG’s mandate from the Human Rights Council to promote the UNGPs.<sup>4</sup>

The research and findings presented in this note were prepared by the law firm DLA Piper in support of the UNGPs 10+ project, and specifically to support the review of trends emerging from communications involving business since 2011.<sup>5</sup> It is provided to support efforts to develop greater

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<sup>1</sup> The Working Group on the issue of human rights and transnational corporations and other business enterprises (also referred to as the Working Group on Business and Human Rights) was established by the Human Rights Council in 2011. It is composed of five independent experts, of balanced geographical representation, and its mandate includes promoting the effective and comprehensive dissemination and implementation of the UN Guiding Principles on Business and Human Rights. For more information, see <https://www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx>.

<sup>2</sup> The official UNGPs 10+ / Next Decade BHR project page is available at [www.ohchr.org/UNGPsBizHRnext10](http://www.ohchr.org/UNGPsBizHRnext10).

<sup>3</sup> For information about the Communications procedure, see: <https://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx>. For information about the Working Group’s approach to Communications, see: <https://www.ohchr.org/EN/Issues/Business/Pages/Submittingcomplaints.aspx>.

<sup>4</sup> Typically, Communications are often joint and involve more than one relevant Special Procedures mandate.

<sup>5</sup> DLA Piper will accept no responsibility for any actions taken or not taken on the basis of this publication.

common knowledge of progress and existing challenges in the area of business and human rights. This publication does not express the views of any of the organisations involved in its publication and should be understood as a general overview and research of the subjects dealt with.

## 2. Objective

While the data presented in this note does not necessarily reflect overall global trends, in the absence of a global database on allegations of business-related human rights abuse,<sup>6</sup> Special Procedures Communications data can nevertheless help provide an *illustration of patterns of business-related human rights impact and how States and businesses respond to such allegations*. In addition to illustrating trends, the research is also meant to provide a benchmark for future follow-up and further work to document business-related human rights impact and responses to such impact.<sup>7</sup> The findings on scope and patterns of business-related human rights abuses echo similar analysis carried out in 2007-8 that later informed the development of the UNGPs.<sup>8</sup>

The research presented in the present note helped inform the work of the UNWG's UNGPs 10+ stocktaking report for the 47<sup>th</sup> session of the Human Rights Council, issued in June 2021.<sup>9</sup>

## 3. Methodology

This research was undertaken by a desk-based review of Communications involving business enterprises between 30 June 2011 and 31 October 2020. The review analysed 174 Communications to businesses and 338 to States. The two different figures reflect the fact that in several cases letters are sent to both “home” States (where transnational corporations are domiciled) and “host” States (where the alleged abuse took place).<sup>10</sup>

The review is based on publicly available data, primarily from the Communications database.<sup>11</sup> After an initial period of confidentiality, Communications and responses from States and others addressed by them (in the case of the present note, business enterprises) are made public in Communications reports to the Human Rights Council.<sup>12</sup>

Set out below are the findings of the review and the method by which the information was identified.

## 4. Findings: overview

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<sup>6</sup> A comprehensive source, however, is the Business & Human Rights Resource Centre, which “stores news and allegations relating to the human rights impact of over 20,000 companies.” The Resource Centre has a “Company Response Mechanism”, which invites companies to respond to allegations of misconduct raised by civil society. “This process encourages companies to publicly address human rights concerns, and provides the public with both the allegations and the company’s comments in full.” See: <https://www.business-humanrights.org/en/from-us/company-response-mechanism/>.

<sup>7</sup> The preliminary findings were discussed at an expert meeting on the impact of Special Procedures organized by the Geneva Academy of International Humanitarian Law and Human Rights, <https://www.adh-geneve.ch/news/detail/432-new-paper-discusses-the-impact-of-united-nations-special-procedures>.

<sup>8</sup> See the report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, “Corporations and human rights: a survey of the scope and patterns of alleged corporate-related human rights abuse”. That report summarizes patterns of alleged corporate-related human rights abuse found in a sample of 320 cases posted on the Business and Human Rights Resource Centre from February 2005 to December 2007. UN Document, A/HRC/8/5/Add.2, available at: <https://www.ohchr.org/EN/Issues/Business/Pages/Reports.aspx#srepresentative>.

<sup>9</sup> See the UNWG’s UNGPs 10+ stocktaking report A/HRC/47/39, <https://undocs.org/A/HRC/47/39>.

<sup>10</sup> This trend appears to have grown in the recent years. On average letters per case in 2020 was at 3.4 and in 2021 it was at 4.3.

<sup>11</sup> OHCHR SPB communications database available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>

<sup>12</sup> See <https://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx> and the Communications report database at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

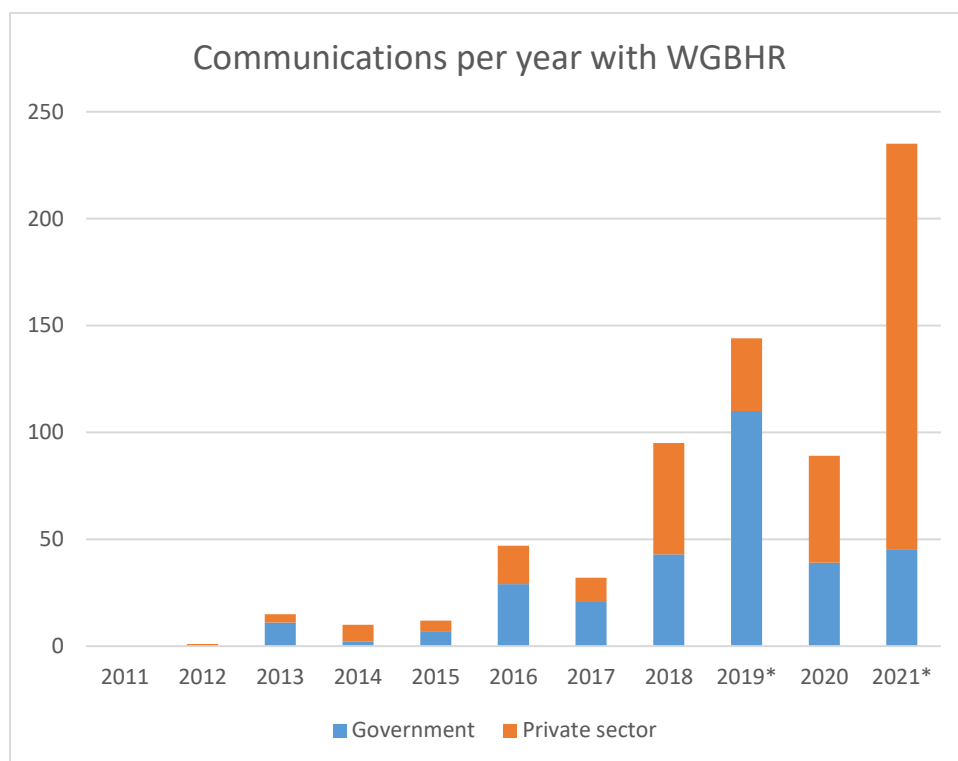
The review found that all sectors, all regions, and virtually all internationally recognized human rights continue to be implicated in business-related abuses.

Extractives were most frequently addressed (38 Communications), followed by the food and beverage sector, technology and communications, and financial services.

The majority of business enterprises addressed were domiciled in the Asia-Pacific (70) and the “Western European and Others” (WEOG)<sup>13</sup> region (69). Issues were raised in all regions, with the majority of alleged impacts addressed took place in Asia-Pacific States (81), Latin America and the Caribbean (37), WEOG (28) and Africa (22).

Communications most frequently addressed issues affecting local communities (92), human rights defenders (57), indigenous peoples (49), workers (49) and children (36). Impacts on virtually all internationally recognized human rights were registered. Communications most frequently involved the following mandates – reflecting the type of human rights issue concerned: environmental impacts (60), freedom of opinion and expression (53), toxic and hazardous waste (53), water and sanitation (50), rights of indigenous peoples (48), human rights defenders (47), right to health (43), slavery (33), right to food (32), right to housing (29), and freedom of peaceful assembly and association (27).

Overall, there was a sharp rise in Communications involving business over the decade. This trend continued for 2020-21 after the research for this note was completed. The total figures for 2020 were the higher than the number analysed in the review (50 letters to businesses and 39 letters to governments) and figures for the first half of 2021 were higher than all previous years (190 letters to businesses and 45 letters to governments).



The use of the UNGPs in Communications was part of the overall trend since 2011 demonstrate that the regime established by the UNGPs applies across companies of all sizes, all sectors, all business relationships, in all countries, for all human rights.<sup>14</sup>The review found that the UNGPs are expressly

<sup>13</sup> See the UN regional groups classification: <https://www.un.org/dgacm/en/content/regional-groups>.

<sup>14</sup> See A/HRC/47/39.

referenced in the majority of responses by business enterprises (39 of 75) and States (124 of 213). Out of the 75 business responses, 46 reference risk management or diligence processes in place to identify and/or manage/prevent adverse human rights impacts; and 36 reference remediation. Out of the 213 State responses 146 reference business and human rights legislation or policies; and 123 reference remediation or access to remedy.

Communications have also increasingly applied the concepts of the UNGPs in cases involving business. 143 of 174 Communications referred to the “cause, contribute or directly linked” dimensions of the UNGPs – the three different ways in which a business enterprise may be connected to human rights harm, through its own activities or through business relationships. The review identified four broad areas for how Communications refer to the UNGPs dimensions: to explain the requirements of the UNGP (this is the majority use); in the follow up questions; when expressing concerns about adverse human rights impacts; and integrated into the mandate holder’s analysis of the allegations and their application to the business enterprise.

It was beyond the scope and capacity of the present review to evaluate the contribution of Communications “on the ground” and the extent to which effective remediation had occurred. In terms of “impact”, the review found that 87 of 174 Communications received media coverage or were mentioned in media coverage of the underlying issues.

The present review provides a baseline for further tracking of Communications involving business. Future work to examine select Communications in-depth would be merited to complement tracking of trends, both to analyse the application of UNGPs concepts in detail, reviewing to what extent recommendations are actionable for States and business, and, crucially, to explore the situation concerning access to remedy for affected stakeholders.

## **5. How to navigate the aggregated data from the Communications review**

The aggregated data across the five areas of research are set out below:

**Section 1 - Information on Communications:** contains the aggregated data on the Communications reviewed and the mandates that were covered;

**Section 2 - Information on Respondents:** contains aggregated data on respondent business enterprises that were the subject of a Communication;

**Section 3 - Information on Human Rights Impacts:** contains aggregated data on the types and locations of human rights impacts as well as relevant standards and affected stakeholders;

**Section 4 - Business Enterprise Responses:** contains aggregated data on the further research questions on business enterprises’ responses; and

**Section 5 - Information on Follow Up to Communications:** contains aggregated data on follow up to Communications.

**Section 6 - State Responses Review:** contains aggregated data on the further research questions on state responses;

## 1. Information on Communications

Research question	Findings	How information was identified																						
<b>Year of Comm.</b>	<table> <tr><td>2020</td><td><b>41</b></td></tr> <tr><td>2019</td><td><b>34</b></td></tr> <tr><td>2018</td><td><b>52</b></td></tr> <tr><td>2017</td><td><b>11</b></td></tr> <tr><td>2016</td><td><b>18</b></td></tr> <tr><td>2015</td><td><b>5</b></td></tr> <tr><td>2014</td><td><b>8</b></td></tr> <tr><td>2013</td><td><b>4</b></td></tr> <tr><td>2012</td><td><b>1</b></td></tr> <tr><td>2011</td><td><b>0</b></td></tr> <tr><td><b>Total</b></td><td><b>174</b></td></tr> </table>	2020	<b>41</b>	2019	<b>34</b>	2018	<b>52</b>	2017	<b>11</b>	2016	<b>18</b>	2015	<b>5</b>	2014	<b>8</b>	2013	<b>4</b>	2012	<b>1</b>	2011	<b>0</b>	<b>Total</b>	<b>174</b>	<p>Total Communications: 174            Communications were identified between 30 June 2011 and 31 October 2020.            Year details were extracted from the date at the top of the Communication letter.</p>
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<b>Comm. type<sup>15</sup></b>	<table> <tr><td>Allegation letters: <b>139</b></td></tr> <tr><td>Other letters: <b>28</b></td></tr> <tr><td>Urgent appeals: <b>7</b></td></tr> </table>	Allegation letters: <b>139</b>	Other letters: <b>28</b>	Urgent appeals: <b>7</b>	<p>This is based on the classification at the top of the letter.</p>																			
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<b>Follow up/ previous related Comm.</b>	<p>24 of 174 Communications are follow up to previous Communications. This includes repeat Communications to the same business enterprise about the same issues and Communications relating to issues that have been raised previously with a state or another business enterprise.</p>	<p>This number includes any Communication identified in the following ways:</p> <ul style="list-style-type: none"> <li>• using the OHCHR Communication search database, selecting the filter for "Other Actors" and the date range 30 June 2011 and 31 October 2020 and identifying any reference numbers noted in the pop up box that appears when the "more info" hyperlink is selected; and</li> <li>• any references to previous Communications stated in the Communication letter itself.</li> </ul>																						

<sup>15</sup> See <https://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx> and <https://www.ohchr.org/EN/Issues/Business/Pages/Submittingcomplaints.aspx>.

Research question	Findings	How information was identified	
<b>Mandates involved in reviewed comm. involving business</b>	Business	141	The mandates that have been reviewed are set out at Annex 1.
	Environment	60	
	Freedom of opinion and expression	53	
	Hazardous substances	53	
	Water and sanitation	50	
	Indigenous peoples	48	
	Human rights defenders	47	
	Health	43	
	Slavery	33	
	Food	32	
	Housing	29	
	Freedom of peaceful assembly and of association	27	
	Migrants	22	
	Poverty	19	
	Executions	13	
	Violence against women	12	
	Women and girls	12	
	Internally displaced persons	10	
	Privacy	9	
	Cultural rights	8	
	Development	7	
	Mercenaries	7	
	Minority issues	7	
	Cambodia	6	
	Sale of children	6	
	Torture	5	
	Trafficking in persons	6	
	Racism	4	
	Foreign debt	3	
	International order	1	
Religion or belief	2		
African descent	1		
Disappearances	2		
Education	1		
Independence of judges and lawyers	2		
Truth	1		

## 2. Information on Respondents

Research question	Findings	How this information was identified
<b>Business enterprise type</b>	Private Company <b>80</b>	Classified according to the business enterprise addressed in each Communication letter.
	Public Company <b>78</b>	
	Private Company (family owned) <b>5</b>	
	Export Credit Agency <b>2</b>	
	Private Company (non-profit) <b>2</b>	
	Statutory Corporation <b>2</b>	
	Development Finance Institution <b>2</b>	
	Sports Club <b>1</b>	
	Professional Association <b>1</b>	
	Private Company (military owned) <b>1</b>	
<b>Total</b> <b>174</b>		
<b>Respondent business enterprises that are state-owned enterprises</b>	33 respondent business enterprises were state-owned enterprises ("SOE"). This includes privately held companies wholly owned by a parent SOE or publicly held companies where the majority shareholders is an SOE.	This information was identified according to whether each respondent business enterprise is directly state-owned or majority owned by an SOE.
<b>Sector of respondent business enterprise</b>	Extractives <b>38</b>	The sectors are broadly aligned with the Sustainability Accounting Standards Board Accounting Standards.
	Food & Beverage <b>33</b>	
	Technology & Communications <b>24</b>	
	Financial services <b>21</b>	
	Industrials <b>14</b>	
	Utilities <b>13</b>	
	Infrastructure <b>10</b>	
	Transport <b>7</b>	
	Public services <b>5</b>	
	Consumer Goods <b>5</b>	
	Other <b>3</b>	
	Media & Entertainment <b>1</b>	
<b>Total</b> <b>174</b>		
<b>Sub-sector of respondent business enterprise</b>	Mining <b>33</b>	The sub-sectors are broadly aligned with the Sustainability Accounting Standards Board Accounting Standards.
	Agriculture, farming and fishing <b>23</b>	
	Banks <b>10</b>	
	Tobacco <b>10</b>	
	Electricity & power generation <b>9</b>	
	Telecommunications <b>8</b>	
	Manufacturing <b>6</b>	
	Social Media <b>6</b>	
	Asset management <b>6</b>	
	Construction & Engineering <b>5</b>	
	Retail <b>5</b>	
	Chemicals <b>5</b>	
	Real Estate <b>5</b>	
	Export & Development Finance <b>5</b>	
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<b>Total</b>	<b>174</b>																																																	
<b>UN regional group of country of domicile</b>	<table border="1"> <tr><td>Asia-Pacific States</td><td>70</td></tr> <tr><td>Western European &amp; Other States</td><td>69</td></tr> <tr><td>Latin American &amp; Caribbean States</td><td>23</td></tr> <tr><td>African States</td><td>9</td></tr> <tr><td>Eastern European States</td><td>3</td></tr> <tr><td><b>Total</b></td><td><b>174</b></td></tr> </table>	Asia-Pacific States	70	Western European & Other States	69	Latin American & Caribbean States	23	African States	9	Eastern European States	3	<b>Total</b>	<b>174</b>	This refers to the country of domicile based on the regional groupings at <a href="https://www.un.org/dgacm/content/regional-groups">https://www.un.org/dgacm/content/regional-groups</a>																																				
Asia-Pacific States	70																																																	
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African States	9																																																	
Eastern European States	3																																																	
<b>Total</b>	<b>174</b>																																																	

### 3. Information on Human Rights Impacts

Research question	Findings	How this information was identified	
<b>Location of the issues raised in Comm.</b>	Lao PDR	11	<p>This refers to the location of human rights violations.</p> <p>Note: the total number of states is greater than the total number of Communications because some Communications refer to multiple states.</p>
	India	10	
	Zimbabwe	10	
	Republic of Korea	9	
	Saudi Arabia	9	
	United Kingdom	9	
	United States of America	9	
	Brazil	8	
	Cambodia	7	
	Thailand	7	
	Kuwait	6	
	Myanmar	6	
	Peru	6	
	Chile	5	
	China	5	
	Ecuador	5	
	Global	4	
	Indonesia	4	
	Spain	4	
	Bangladesh	3	
	France	3	
	Guatemala	3	
	Papua New Guinea	3	
	Switzerland	3	
	Vietnam	3	
	Colombia	2	
	Gabon	2	
	Honduras	2	
	Kenya	2	
	Mozambique	2	
	Russia	2	
	South Africa	2	
	Suriname	2	
Uganda	2		
Argentina	1		
Belize	1		
Cameroon	1		
Canada	1		
Cuba	1		
Czech Republic	1		
Democratic Republic of the Congo	1		
Denmark	1		
Dominican Republic	1		
Fiji	1		
Germany	1		
Ireland	1		
Israel	1		
Jordan	1		

Research question	Findings	How this information was identified																
	<table> <tr><td>Mexico</td><td>1</td></tr> <tr><td>Mongolia</td><td>1</td></tr> <tr><td>Nauru</td><td>1</td></tr> <tr><td>Philippines</td><td>1</td></tr> <tr><td>Puerto Rico</td><td>1</td></tr> <tr><td>Sri Lanka</td><td>1</td></tr> <tr><td>Sweden</td><td>1</td></tr> <tr><td>Syria</td><td>1</td></tr> </table>	Mexico	1	Mongolia	1	Nauru	1	Philippines	1	Puerto Rico	1	Sri Lanka	1	Sweden	1	Syria	1	
Mexico	1																	
Mongolia	1																	
Nauru	1																	
Philippines	1																	
Puerto Rico	1																	
Sri Lanka	1																	
Sweden	1																	
Syria	1																	
<b>UN regional group of location of issues raised in Comm.</b>	<table> <tr><td>Asia-Pacific States</td><td>81</td></tr> <tr><td>Latin American and Caribbean States</td><td>37</td></tr> <tr><td>Western European and Other States</td><td>28</td></tr> <tr><td>African States</td><td>22</td></tr> <tr><td>Global</td><td>4</td></tr> <tr><td>Eastern European States</td><td>3</td></tr> <tr><td><b>Total</b></td><td><b>175</b></td></tr> </table>	Asia-Pacific States	81	Latin American and Caribbean States	37	Western European and Other States	28	African States	22	Global	4	Eastern European States	3	<b>Total</b>	<b>175</b>	<p>This refers to the location of issues/harm based on the regional groupings at <a href="https://www.un.org/dgacm/content/regional-groups">https://www.un.org/dgacm/content/regional-groups</a></p> <p>Note: the total number is greater than the total number of Communications by one because one Communication refers to two UN regional groups.</p>		
Asia-Pacific States	81																	
Latin American and Caribbean States	37																	
Western European and Other States	28																	
African States	22																	
Global	4																	
Eastern European States	3																	
<b>Total</b>	<b>175</b>																	
<b>Reference to the UNGP</b>	Only 2 of 174 Communications did not refer to the UNGP.	This includes any reference to the UNGP in the Communication letter.																
<b>Use of “cause, contribute and directly linked” dimensions by a) the complainants ; and b) the mandate holder<sup>16</sup></b>	<p>31 of 174 Communications did not refer to the “cause, contribute or directly linked” dimensions.</p> <p>The remaining Communications refer to the UNGP dimensions in a range of different ways. We have identified four broad areas:</p> <ul style="list-style-type: none"> <li>to explain the requirements of the UNGP (this is the majority use);</li> <li>in the follow up questions;</li> <li>when expressing concerns about adverse human rights impacts; and</li> <li>integrated into the mandate holder’s analysis of the allegations and their application to the business enterprise.</li> </ul>	This includes the number of times any of the UNGP dimensions of “cause, contribute or directly linked” appear anywhere in the Communication letter.																
<b>Reference to other international standards</b>	<table> <tr><td>International Covenant on Economic, Social and Cultural Rights</td><td>116</td></tr> <tr><td>International Covenant on Civil and Political Rights</td><td>106</td></tr> <tr><td>Universal Declaration of Human Rights</td><td>94</td></tr> <tr><td>UN Declaration on the Rights of Indigenous Peoples</td><td>46</td></tr> <tr><td>UN Declaration on Human Rights Defenders</td><td>41</td></tr> </table>	International Covenant on Economic, Social and Cultural Rights	116	International Covenant on Civil and Political Rights	106	Universal Declaration of Human Rights	94	UN Declaration on the Rights of Indigenous Peoples	46	UN Declaration on Human Rights Defenders	41	This includes any international standards other than the UNGP referred to in the Communications reviewed.						
International Covenant on Economic, Social and Cultural Rights	116																	
International Covenant on Civil and Political Rights	106																	
Universal Declaration of Human Rights	94																	
UN Declaration on the Rights of Indigenous Peoples	46																	
UN Declaration on Human Rights Defenders	41																	

<sup>16</sup> The UNGPs clarify that a business enterprise may be connected to human rights abuse in three fundamental ways: it may either **cause or contribute** to such impact through its own activities, or it may be **directly linked** to its operations, products or services by its business relationships. Each scenario has different implications for the nature of an enterprise’s responsibilities. See e.g. Question 11 in OHCHR’s publication “The Corporate Responsibility to Respect Human Rights: An Interpretive Guide”, at [https://www.ohchr.org/Documents/Publications/HR.PUB.12.2\\_En.pdf](https://www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf).

Research question	Findings	How this information was identified
	UN Global Compact Principles 40	
	ILO Declaration on the Fundamental Principles and Rights at Work 25	
	International Convention on the Rights of the Child 16	
	International Convention on Elimination of All Forms of Racial Discrimination 15	
	International Convention on the Elimination of All Forms of Discrimination against Women 13	
	Guiding Principles on Internal Displacement 11	
	ILO Convention 182 10	
	Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights 10	
	ILO Convention 29 9	
	Basic Principles and Guidelines on Development-based Evictions and Displacement 7	
	Framework Principles on Human Rights and the Environment 7	
	International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 6	
	International Convention on the Rights of Persons with Disabilities 6	
	OECD Guidelines for Multinational Enterprises 6	
	Slavery Convention 1926 6	
	IFC Performance Standards 5	
	ILO Convention 169 4	
	International Code of Conduct Private Security Providers 4	
	Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council 3	
	Guiding Principles on Foreign Debt and Human Rights 3	
	Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships 3	
	ILO Convention 100 3	
	ILO Convention 129 3	
	ILO Convention 141 3	
	ILO Convention 97 3	
	International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families 3	
	Sustainable Development Goals 3	
	UNCTAD Principles on the promotion of responsible sovereign lending and borrowing 3	
	Athens Ethical Principles and the accompanying Luxor Implementation Guidelines to end human trafficking now 2	
	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal 2	
	Basic Principles on Sovereign Debt Restructuring 2	
	Basic Principles on the Role of Lawyers 2	
	Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment 2	

Research question	Findings	How this information was identified
	ILO Convention concerning Safety in the use of Chemicals at Work (Chemicals Convention) 1990	2
	ILO Convention concerning the Application of the Weekly Rest in Industrial Undertakings	2
	Indigenous and Tribal Peoples Convention 1989	2
	International Convention for the Return of Illegally Exported Cultural Objects	2
	Recommended Principles and Guidelines on Human Rights and Human Trafficking	2
	Stockholm Convention on Persistent Organic Pollutants	2
	UNESCO Convention on Measures to take to prohibit and prevent the import, export and transfer of ownership illicit cultural property rights 1970	2
	UNIDROIT Convention on Stolen or Stolen Cultural Objects illegally exported 1995	2
	United Nations Convention against Transnational Organized Crime (Palermo Protocol)	2
	United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2
	American Declaration on the Rights of Indigenous Peoples	1
	Basic Principles on the Independence of the Judiciary	1
	Beijing Platform for Action 1995	1
	Business Social Compliance Initiative	1
	Dubai Declaration on International Chemicals Management	1
	Genocide Convention	1
	Global Network Initiative's Principles on Freedom of Expression	1
	Global Social Compliance Program	1
	Guiding Principles on Security of Tenure for Persons in Situation of Poverty	1
	ILO Convention 105	1
	ILO Convention 107	1
	ILO Convention 111	1
	ILO Convention 87	1
	ILO Convention 98	1
	Inter-American Convention on Human Rights	1
	International Bill of Rights	1
	Optional Protocol on the Convention on the Rights of the Child	1
	Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions	1
	Rio Declaration 1992	1
	Sedex Members Ethical Trade Requirement (SMETA)	1
	UN Charter	1
	UN Standard Minimum Rules for the Treatment of Prisoners	1

Research question	Findings	How this information was identified	
<b>Human rights referenced</b>	Right to health	<b>103</b>	<p>This includes any reference in a Communication letter to:</p> <ul style="list-style-type: none"> <li>• specific human rights;</li> <li>• human rights associated with the mandate holders involved in a Communication; and</li> <li>• in Communications where specific international standards are mentioned e.g. where UNDRIP was mentioned, rights of indigenous peoples was identified.</li> </ul>
	Right to freedom of opinion and expression	<b>82</b>	
	Right to life	<b>75</b>	
	Right to an adequate standard of living	<b>68</b>	
	Right to liberty and security of the person	<b>63</b>	
	Rights of indigenous peoples	<b>57</b>	
	Right to water	<b>55</b>	
	Right to food	<b>49</b>	
	Rights of human rights defenders	<b>47</b>	
	Right to just and favourable conditions of work	<b>43</b>	
	Right to freedom of association	<b>40</b>	
	Right to privacy	<b>39</b>	
	Right to a safe, clean, healthy and sustainable environment	<b>38</b>	
	Right to housing	<b>33</b>	
	Free, prior and informed consent	<b>31</b>	
	Right not to be subjected to slavery, servitude or forced labour	<b>31</b>	
	Right to freedom of assembly	<b>29</b>	
	Right to redress	<b>25</b>	
	Rights to non-discrimination	<b>23</b>	
	Migrant workers' rights	<b>20</b>	
	Right to take part in cultural life	<b>20</b>	
	Prohibition on child labour	<b>19</b>	
	Women's rights	<b>19</b>	
	Children's rights	<b>18</b>	
	Right to participate in public life	<b>18</b>	
	Right to freedom of movement	<b>16</b>	
	Right to be free from torture and other cruel, inhuman or degrading treatment	<b>9</b>	
	Right to work	<b>9</b>	
	Right to development	<b>7</b>	
	Right to effective remedy	<b>6</b>	
	Right to form and join trade unions	<b>6</b>	
	Right to social security	<b>6</b>	
	Right to earn a living through work	<b>5</b>	
Right to safe and healthy working conditions	<b>5</b>		
Right to self-determination	<b>5</b>		
Right to education	<b>4</b>		
Rights of minorities	<b>4</b>		
Right of detained persons to humane treatment	<b>3</b>		
Right to just and favourable remuneration	<b>3</b>		
Right to strike	<b>3</b>		
Rights to freedom of thought, conscience and religion	<b>3</b>		
Freedom from incitement to racial, religious or national hatred	<b>2</b>		

Research question	Findings	How this information was identified																																		
	<table border="1"> <tr><td>Gross human rights violations</td><td>2</td></tr> <tr><td>Right to a fair trial</td><td>2</td></tr> <tr><td>Right to rest and leisure</td><td>2</td></tr> <tr><td>Rights to freedom from war propaganda</td><td>2</td></tr> <tr><td>Right not to be arbitrarily detained</td><td>1</td></tr> <tr><td>Right to family life</td><td>1</td></tr> <tr><td>Right to recognition before the law</td><td>1</td></tr> </table>	Gross human rights violations	2	Right to a fair trial	2	Right to rest and leisure	2	Rights to freedom from war propaganda	2	Right not to be arbitrarily detained	1	Right to family life	1	Right to recognition before the law	1																					
Gross human rights violations	2																																			
Right to a fair trial	2																																			
Right to rest and leisure	2																																			
Rights to freedom from war propaganda	2																																			
Right not to be arbitrarily detained	1																																			
Right to family life	1																																			
Right to recognition before the law	1																																			
<b>Affected stakeholders</b>	<table border="1"> <tr><td>Local communities</td><td>92</td></tr> <tr><td>Human rights defenders</td><td>57</td></tr> <tr><td>Indigenous peoples</td><td>49</td></tr> <tr><td>Workers</td><td>49</td></tr> <tr><td>Children</td><td>36</td></tr> <tr><td>Migrant workers</td><td>19</td></tr> <tr><td>Women</td><td>16</td></tr> <tr><td>Consumers</td><td>12</td></tr> <tr><td>Ethnic minorities</td><td>12</td></tr> <tr><td>Business owners</td><td>7</td></tr> <tr><td>General public</td><td>7</td></tr> <tr><td>Service users</td><td>5</td></tr> <tr><td>Detainees</td><td>4</td></tr> <tr><td>Refugees and asylum seekers</td><td>4</td></tr> <tr><td>Journalists</td><td>2</td></tr> <tr><td>Academics</td><td>1</td></tr> <tr><td>Patients</td><td>1</td></tr> </table>	Local communities	92	Human rights defenders	57	Indigenous peoples	49	Workers	49	Children	36	Migrant workers	19	Women	16	Consumers	12	Ethnic minorities	12	Business owners	7	General public	7	Service users	5	Detainees	4	Refugees and asylum seekers	4	Journalists	2	Academics	1	Patients	1	This includes stakeholder groups identified in a Communication letter or, where not specifically mentioned, stakeholder groups that would be affected by the issues complained of.
Local communities	92																																			
Human rights defenders	57																																			
Indigenous peoples	49																																			
Workers	49																																			
Children	36																																			
Migrant workers	19																																			
Women	16																																			
Consumers	12																																			
Ethnic minorities	12																																			
Business owners	7																																			
General public	7																																			
Service users	5																																			
Detainees	4																																			
Refugees and asylum seekers	4																																			
Journalists	2																																			
Academics	1																																			
Patients	1																																			

#### 4. Business Enterprise Responses

Research question	Findings	How this information was identified
<b>Business enterprise response</b>	75 of 174 Communications received a response from the business enterprise.	This includes any replies to Communications sent to business enterprises available in the OHCHR database (the analysis only included responses received until Oct 2020 and additional responses may have been received later).
<b>Business enterprise response – references to the UNGP</b>	Of those 75 responses:	
<b>Business enterprise response – references to risk management or diligence processes in place to identify and/or manage/prevent adverse human rights impacts</b>	<ul style="list-style-type: none"> <li>• 39 reference the UNGP;</li> <li>• 46 reference risk management or diligence processes in place to identify and/or manage/prevent adverse human rights impacts; and</li> <li>• 36 reference remediation.</li> </ul>	
<b>Business enterprise response – references to remediation</b>		



## 5. Information on Follow Up to Communications

Research question	Findings	How this information was identified
<b>Comms. that received media coverage</b>	87 of 174 Communications received media coverage or were mentioned in media coverage of the underlying issues (this includes 15 follow up or related Communications).	<p>This information was identified by searching key terms on Google news and refers to specific mention of the Communication or UN experts reviewing a complaint/information received (where this is a reference to a specific Communication).</p> <p>To adopt a consistent approach reviewers used the following search terms "UN expert" AND "human rights" AND "[name of business enterprise]" AND "[name of location of harm]" and identified coverage in the period after the communication date.</p> <p>These search terms were identified through a wider initial review of media coverage to identify common terminology.</p>
<b>Press release issued about Comm.<sup>17</sup></b>	39 of 174 Communications were associated with a press release.	This information was identified by searching the relevant date range in the OHCHR "News Search" database by selecting "business and human rights" and "transnational corporations" under "Subject" on the search form.
<b>NCP complaints about the issues raised in a Comm.</b>	7 of 174 Communications relate to issues that were also the subject of a complaint to a OECD National Contact Point.	This information was identified by searching the respondent business enterprises on the OECD watch case database.

<sup>17</sup> E.g. press releases involving the UNWG are available at [https://www.ohchr.org/EN/NewsEvents/Pages/NewsSearch.aspx?MID=WG\\_TransCorp](https://www.ohchr.org/EN/NewsEvents/Pages/NewsSearch.aspx?MID=WG_TransCorp).

## 6. State Responses Review

Research question	States that received a Communication that was sent to a business enterprise	States that responded	Responses that reference the UNGP	Responses that reference legislation or policy relating to business and human rights	Responses that reference remediation or access to remedy
<b>Findings</b>	China 29	China 25	China 0	China 1	China 0
	United States of America 29	United Kingdom 22	United Kingdom 17	United Kingdom 21	United Kingdom 18
	United Kingdom 22	Japan 12	Japan 12	Japan 2	Japan 1
	Republic of Korea 19	Australia 11	Australia 10	Australia 10	Australia 6
	Thailand 16	Germany 11	Germany 10	Germany 11	Germany 10
	Switzerland 15	Laos 11	Laos 5	Laos 10	Laos 10
	India 12	South Korea 10	South Korea 10	South Korea 10	South Korea 10
	Japan 12	Zimbabwe 10	Zimbabwe 10	Zimbabwe 10	Zimbabwe 10
	Australia 11	Republic of Korea 9	Republic of Korea 9	Republic of Korea 9	Republic of Korea 9
	Germany 11	Saudi Arabia 8	Saudi Arabia 3	Saudi Arabia 7	Saudi Arabia 6
	Laos 11	Brazil 6	Brazil 2	Brazil 2	Brazil 4
	United Arab Emirates 10	Kuwait 6	Kuwait 3	Kuwait 3	Kuwait 6
	Zimbabwe 10	Canada 5	Canada 5	Canada 5	Canada 4
	Brazil 9	Chile 5	Chile 5	Chile 5	Chile 5
	Saudi Arabia 8	Switzerland 5	Switzerland 3	Switzerland 0	Switzerland 3
	Cambodia 6	Ecuador 4	Ecuador 4	Ecuador 4	Ecuador 1
	Canada 6	Indonesia 4	Indonesia 1	Indonesia 2	Indonesia 2
	Kuwait 6	Spain 4	Spain 1	Spain 3	Spain 3
	Peru 6	Thailand 4	Thailand 4	Thailand 4	Thailand 3
	Chile 5	United States of America 4	United States of America 2	United States of America 2	United States of America 0
France 5	Denmark 3	Denmark 2	Denmark 2	Denmark 2	
Myanmar 5	India 3	India 0	India 3	India 0	
Denmark 4	Panama 3	Panama 0	Panama 3	Panama 0	
Ecuador 4	Belgium 2	Belgium 0	Belgium 0	Belgium 0	
Indonesia 4					

Research question	States that received a Communication that was sent to a business enterprise	States that responded	Responses that reference the UNGP	Responses that reference legislation or policy relating to business and human rights	Responses that reference remediation or access to remedy
	Spain 4	Colombia 2	Colombia 1	Colombia 2	Colombia 2
	Bangladesh 3	France 2	France 0	France 2	France 2
	Guatemala 3	Morocco 2	Morocco 0	Morocco 2	Morocco 2
	Israel 3	Mozambique 2	Mozambique 0	Mozambique 0	Mozambique 0
	Panama 3	Philippines 2	Philippines 0	Philippines 1	Philippines 1
	Papua New Guinea 3	Russia 2	Russia 0	Russia 0	Russia 0
	Colombia 2	Singapore 2	Singapore 0	Singapore 0	Singapore 0
	Gabon 2	Cameroon 1	Cameroon 1	Cameroon 1	Cameroon 0
	Honduras 2	Cuba 1	Cuba 0	Cuba 1	Cuba 0
	Ireland 2	Czech Republic 1	Czech Republic 0	Czech Republic 1	Czech Republic 0
	Morocco 2	Fiji 1	Fiji 1	Fiji 1	Fiji 1
	Mozambique 2	Ireland 1	Ireland 1	Ireland 1	Ireland 0
	Philippines 2	Israel 1	Israel 0	Israel 0	Israel 0
	Russia 2	Mexico 1	Mexico 0	Mexico 1	Mexico 0
	Singapore 2	Netherlands 1	Netherlands 1	Netherlands 1	Netherlands 1
	Uganda 2	Peru 1	Peru 1	Peru 1	Peru 1
	Argentina 1	Sudan 1	Sudan 0	Sudan 1	Sudan 0
	Belize 1	Sweden 1	Sweden 0	Sweden 0	Sweden 0
	Cameroon 1	Vietnam 1	Vietnam 0	Vietnam 1	Vietnam 0
	Cuba 1	Honduras 0	Honduras 0	Honduras 0	Honduras 0
	Czech Republic 1	Suriname 0	Suriname 0	Suriname 0	Suriname 0
	Democratic Republic of the Congo 1	<b>Total 213</b>	<b>Total 124</b>	<b>Total 146</b>	<b>Total 123</b>
	Dominican Republic 1				
	Egypt 1				
	Fiji 1				
	Jordan 1				
	Kenya 1				

Research question	States that received a Communication that was sent to a business enterprise	States that responded	Responses that reference the UNGP	Responses that reference legislation or policy relating to business and human rights	Responses that reference remediation or access to remedy
	Malaysia 1				
	Mexico 1				
	Mongolia 1				
	Nauru 1				
	Netherlands 1				
	Pakistan 1				
	South Africa 1				
	Sri Lanka 1				
	Sudan 1				
	Suriname 1				
	Sweden 1				
	Vietnam 1				
	Yemen 1				
	Lao PDR 0				
	<b>Total 338</b>				

## 1. Annex 1: Mandate Holders reviewed

1.1 The following mandate holders were included in the initial scope of the review:

1.1.1 Business; Foreign Debt; Toxic Wastes (referred to below as Hazardous Substances); Environment; Food; Water and Sanitation; Extreme Poverty (referred to below as Poverty); Human Rights Defenders; Indigenous Peoples; Housing; Torture; Education; Migrants; Privacy; Mercenaries; Slavery; Trafficking; Freedom of association; Disability; Freedex; DAW; Myanmar; and OPT.

1.2 The following mandate holders were identified as being involved in Communications to business enterprises and were subsequently included in the scope of the review:

1.2.1 Health; Executions; Violence Against Women; Internally Displaced Persons; Cultural Rights; Development; Minority Issues; Cambodia; Sale of Children; Racism; International Order; Religion or Belief; African Descent; Disappearances; Independence of Judges and Lawyers; and Justice.

1.3 The table below outlines the full description of the mandate holders and the references used in the review.

Reference used in the review	Mandate holder
<b>Business</b>	Working Group on the issue of human rights and transnational corporations and other business enterprises
<b>Environment</b>	Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment
<b>Water and sanitation</b>	Special Rapporteur on the human rights to safe drinking water and sanitation
<b>Indigenous peoples</b>	Special Rapporteur on the rights of indigenous peoples
<b>Human rights defenders</b>	Special Rapporteur on the situation of human rights defenders
<b>Hazardous substances</b>	Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes
<b>Health</b>	Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
<b>Freedom of opinion and expression</b>	Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
<b>Slavery</b>	Special Rapporteur on contemporary forms of slavery, including its causes and its consequences.
<b>Food</b>	Special Rapporteur on the right to food
<b>Housing</b>	Special Rapporteur on adequate housing as a component of the right to an adequate standard of living
<b>Freedom of peaceful assembly and of association</b>	Special Rapporteur on the rights to freedom of peaceful assembly and of association
<b>Migrants</b>	Special Rapporteur on the human rights of migrants
<b>Poverty</b>	Special Rapporteur on extreme poverty and human rights
<b>Executions</b>	Special Rapporteur on extrajudicial, summary or arbitrary executions

<b>Reference used in the review</b>	<b>Mandate holder</b>
<b>Violence against women</b>	Special Rapporteur on violence against women, its causes and consequences
<b>Internally displaced persons</b>	Special Rapporteur on the human rights of internally displaced persons
<b>Privacy</b>	Special Rapporteur on the right to privacy
<b>Cultural rights</b>	Special Rapporteur in the field of cultural rights
<b>Women and girls</b>	Working Group on discrimination against women and girls
<b>Development</b>	Special Rapporteur on the right to development
<b>Mercenaries</b>	Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination
<b>Minority issues</b>	Special Rapporteur on minority issues
<b>Cambodia</b>	Special Rapporteur on the situation of human rights in Cambodia
<b>Sale of children</b>	Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material
<b>Torture</b>	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
<b>Trafficking in persons</b>	Special Rapporteur on trafficking in persons, especially women and children
<b>Racism</b>	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
<b>Foreign debt</b>	Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights
<b>International order</b>	Independent expert on the promotion of a democratic and equitable international order
<b>Religion or belief</b>	Special Rapporteur on freedom of religion or belief
<b>African descent</b>	Working Group of experts on people of African descent
<b>Disappearances</b>	Working Group on enforced or involuntary disappearances
<b>Education</b>	Special Rapporteur on the right to education
<b>Independence of judges and lawyers</b>	Special Rapporteur on the independence of judges and lawyers
<b>Truth</b>	Special Rapporteur on the promotion of truth, justice, reparation & guarantees of non-recurrence