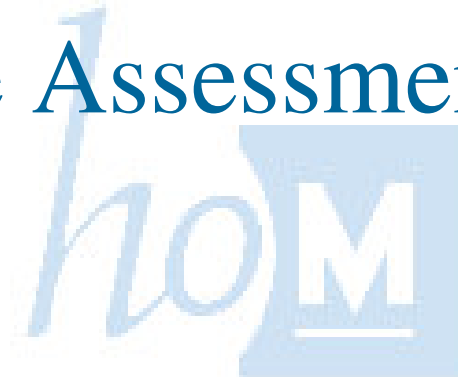


Human Rights Compliance Assessment



Marina d'Engelbronner

17 maart 2005, Bussum

Humanistisch Overleg Mensenrechten

Humanist Committee on Human Rights

De werkelijkheid achter een "schoon" image
IKEA Family, soms wel héél erg jong

ABN Amro stapt uit bedrijf dat clusterbommen test

ING en Rabobank onder vuur omwille van
financiering wapenlevering aan Indonesië

DOEN VOOR MENSENRECHTEN
IHC CALAND MOET MEER
IN BURMA

Schuldslavernij van kinderen:
Nederlandse bedrijven Unilever en Advanta
beloven schoorvoetend beterschap

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Human Rights: Your Business!!

- States primary responsible for human rights
- Companies responsible for human rights in workplace and beyond (sphere of influence)

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Human Rights in Business

- What human rights apply to companies?
- How far does the responsibility extend?
- What can companies do in practice?

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What is HRCA?

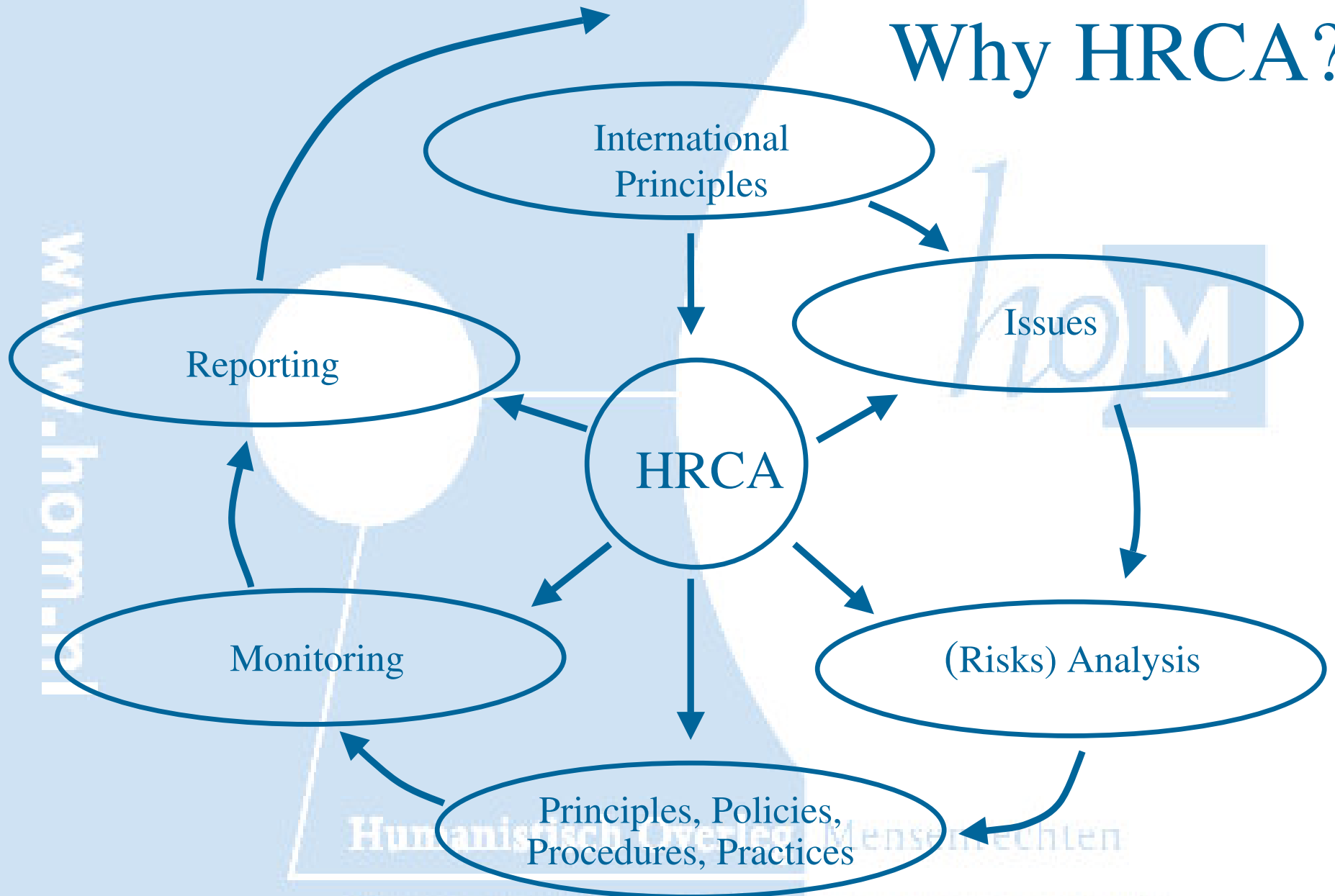
- Developed by DIHR
- Consultation process
- Corporate membership service
- Voluntary self-assessment tool
- Interactive web-based computer programme

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Why HRCA?



Humanistische Vereinigung für Menschenrechte

Humanist Committee on Human Rights

Business Case

- Good reputation
- Working conditions
- Motivation and productivity workers
- Risks analyses and management
- Investment climate
- Relations corporate partners and sub-contractors
- Stakeholder relations
- Understanding societies
- Trust of community, ngo's

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HRCA Based on Universal Declaration of Human Rights

Civil and Political Rights

- Freedom from discrimination (UDHR Article 2)
- Right to life and to liberty and security of person (UDHR Article 3)
- Freedom from forced labour/ servitude (UDHR Article 4)
- Freedom from torture, cruel, inhuman or degrading treatment or punishment (UDHR Article 5)
- Right to a fair trial and to recognition as a person before the law (UDHR Articles 6, 7, 10, 11)
- Right to privacy (UDHR Article 12)
- Freedom of movement (UDHR Article 13)
- Freedom of opinion, expression, thought, conscience and religion (UDHR Articles 18, 19)
- Right to take part in government (UDHR Article 21)
- Right to peaceful assembly and freedom of association (UDHR Articles 20, 23(4))

Economic, Social and Cultural Rights

- Right to family life (UDHR Article 16)
- Right to own property (UDHR Article 17)
- Right to work and to just and favourable conditions at work (UDHR Articles 23, 24, 25)
- Right to an adequate standard of living (UDHR Articles 22, 25)
- Right to adequate health (UDHR Article 25)
- Right to adequate housing (UDHR Article 25)
- Right to adequate food (UDHR Article 25)
- Right to education (UDHR Article 26)
- Right to participate in cultural life (UDHR Article 27)
- Right to intellectual property (UDHR Article 27(2))

Corporate Responsibility

Duties for all

- Respect human rights
 - Relates to all human rights

Specific duties

- Protect, promote and fulfil human rights
 - Workers
 - Products
 - Inhabitants land
 - Provision services

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Mensenrechten

on Human Rights

Human Rights violations

- Direct violations
- Indirect violations (complicity)
 - Use of products
 - Government partners
 - Business partners
 - Suppliers and contractors
 - External circumstances

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User: ABC inc.

HRCA Main Menu

Checks

Full Check

Check by Right

Quick Check

Check by Department

Vulnerable groups

Check by Topic

Special features

Country risks

Description of Rights

Promotional activities

Human Rights Barriers

Codes of Conduct

Resources

Company records

Company Files

- **HRCA full check:** ABC South Africa
- **HR Department:** ABC UK
- **Promoting Human Rights:** ABC Nigeria
- **The Right to Health:** ABC Nigeria

Company administrator
function

Introduction HRCA

Methodology

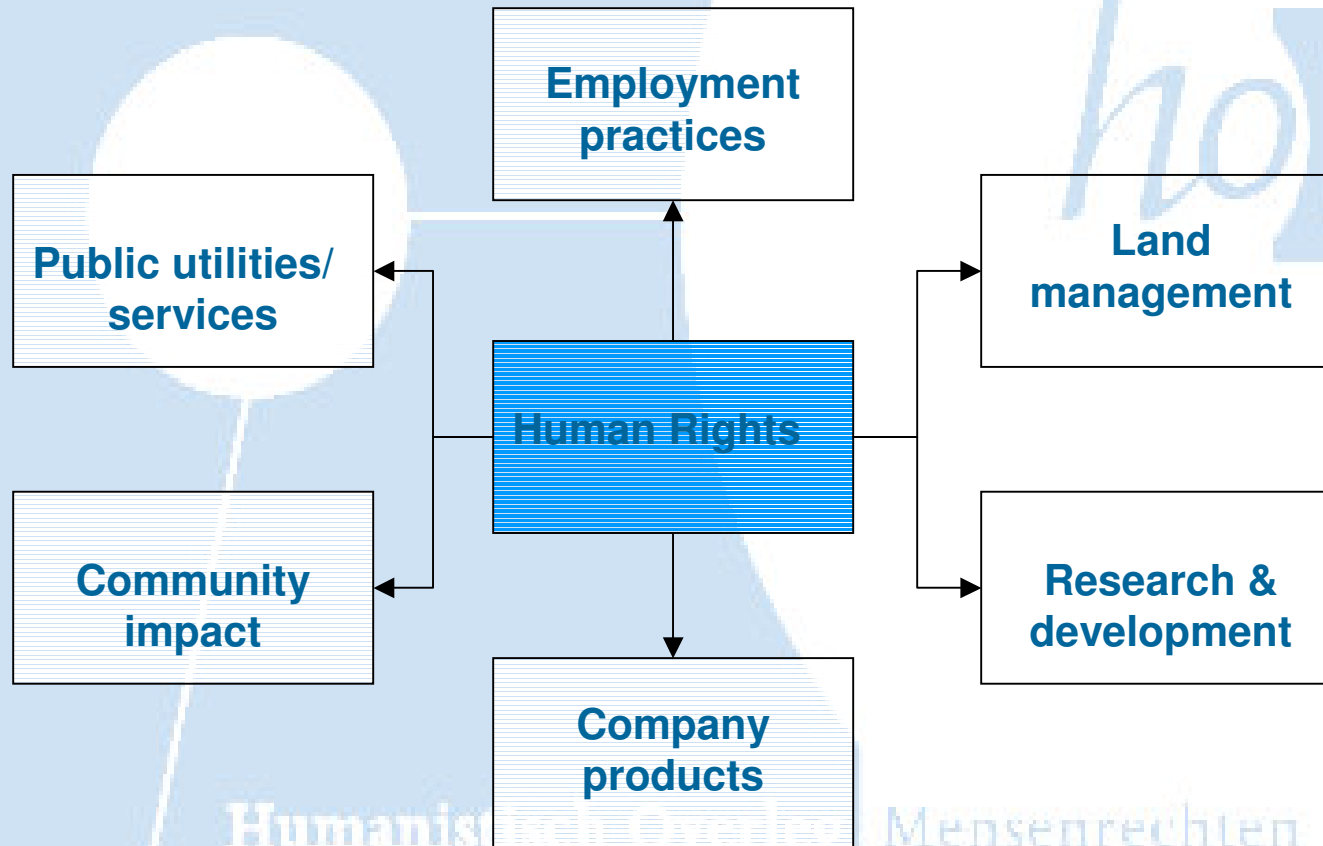
FAQ

News

Security

Contact

Departments / Areas of Operation



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HRCA Checklist

Create worksheet

HRCA Check Type: Land management

No.	Questions	Company Prioritization (A-C)	Completed
The right to property			
1	Before purchasing or leasing land, does the company ensure that the land has not been improperly taken from indigenous people?	A	✓
2	Does the company honour the land, passage, and usage rights of local or indigenous peoples on company-controlled land?	B	✓
3	Etc.		

Save Checklist

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Tick box as appropriate

Before purchasing or leasing land, does the company ensure that the land has not been improperly taken from indigenous people?	Yes	No	F/A	N/A	No Info
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

In a government's eagerness to attract foreign investment, it may use its powers of eminent domain to take desirable property from indigenous inhabitants and then sell the land title to a corporation. If the purpose of the taking is not in the public interest, the company could be complicit in a violation of the right to property. Even if the taking is in the public interest, the government must follow the appropriate procedures, including providing sufficient warning to the indigenous people, adequate compensation and suitable alternative land elsewhere.

Sources of International Law

Suggested indicators :		True	False	F/A	No info
1	When purchasing property, company procedure requires that careful research on land title be undertaken, with methods that would be likely to reveal the land claims of indigenous peoples (in contrast to relying on the states system of transfer of title).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Title searches undertaken by the company are conducted back through 50 years, or a period specified by state law, whichever is longer.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Populations are not forcibly resettled or made homeless as a consequence of any land purchase or agreement made by the company.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Relevant NGOs and indigenous representatives confirm company-controlled land was not improperly taken from indigenous people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Company Notes:

Company Prioritization (A-C)

Print

Submit

HRCA Worksheet

HRCA Check type:
Check by Department: Land management

Save
worksheet
and continue

No.	Questions	Company priority	Notes	Follow-up
Red Light				
23	<p>Does the company honour the land, passage, and usage rights of local or indigenous peoples on company-controlled land?</p> <p>Indicators Right: Right to property Department: Land management</p>	A		John Doe will create guidelines on land passage and training package for security guards and other employees.
Yellow Light				
41	<p>Before purchasing or leasing land, does the company ensure that the land has not been improperly taken from indigenous people?</p> <p>Indicators Right: Right to property Department: Land management</p>	A	Need further investigation into the status and property rights of group X.	
Green Light				
12	<p>If all alternatives have been explored, and local inhabitants need to be relocated from company land, has the company consulted with the people on the land to mitigate any negative effects of the resettlement, and to provide adequate compensation?</p> <p>Indicators Right: Right to property Department: Land management</p>	C		
No Information				

HRCA results sheet

HRCA Check type:

Check by Department: Land management

Summary of responses

<i>Human Rights</i>	Green light	Red light	Yellow light	No info	Questions in total
The right to property	8	3	4	2	17
Continue with all other rights					
Total	65	24	18	13	120

WHAT TO DO IN CASES OF POTENTIAL NON-COMPLIANCE

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Human Rights and Business Project HOM



- Human rights training
- Corporate user plan HRCA
- Advice and support
- Corporate implementation plan for human rights
- Capacity building organisations in South

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