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October 5, 2016

Universal Periodic Review - Brazil Human Rights Council

Submission to the Universal Periodic Review of Brazil on Human Rights and Business by Global Compact Network Brazil (Human Rights and Labor Thematic Group)

This submission has been prepared by the Human Rights and Labor Thematic Group of the Global Compact Network Brazil taking into consideration the proposals that were a result of the Human Rights and Business Conference, organized by this group in February, 2016, in São Paulo Brazil.

About the organization

Global Compact Network Brazil

Launched in 2000, the United Nations Global Compact is the major initiative of voluntary corporate sustainability in the world. It assembles more than 13 thousand signatories – comprising small, medium and large companies and organizations – in almost 170 countries, with the objective of aligning business operations with ten principles comprising the areas of human rights, labour, environment, and anti-corruption.

With more than 780 signatories, the UN Global Compact Network Brazil was created in 2003 and it has been hosted by the United Nations Development Programme (UNDP) since 2011. It is the fourth largest network in the world, promoting collaborative actions led by the private sector by means of partnerships with other sectors such as the civil society, governments, and UN agencies.

Human Rights and Labor Thematic Group - Global Compact Network Brazil

Dedicated to the social aspect of sustainability, the WG has been discussing the role of corporations in the respect to human rights in their activities, in the supply chain and in the communities where they do business. Its agenda includes issues related to gender equality, immigrants and refugees, rights of LGBT people, indigenous people and persons with disabilities, fight against racism and forced labor, and promoting the Ruggie Framework, which guides the application of human rights to the corporate environment. The members of the working group are representatives from companies, UN agencies, NGOs and government.

Introduction

1. This submission is a result from a conference promoted in February 2016 by Global Compact Network Brazil, in partnership with Fundação Getúlio Vargas (FGV - Direito SP), United Nations Development Programme and Office of the United Nations High

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Commissioner for Human Rights (South Regional Office). The conference aimed to promote a debate among business, civil society and international organizations with the focus on the challenges and opportunities for enhancing the contribution of the Brazilian companies for the promotion and protection of human rights and strengthening national incentive and monitoring mechanisms of human rights compliance by companies.

2. Considering UPR recommendations n. 119.6 on the establishment of mechanisms to monitor and evaluate the compliance with its human rights obligations; n. 119.51, 119.52, 119.54 on the right to work, n. 119.43 on the right to just and favorable conditions of work, n.119.45 on discrimination against women, 119.104, 119.105 on child labour, n. 119.538, 119.50, 119.154 on employment opportunities;
3. Considering that the *UN Working Group on the issue of human rights and transnational corporations* and other business enterprises strongly encourages all States to develop, enact and update a national action plan on business and human rights as part of the State responsibility to disseminate and implement the UN Guiding Principles on Business and Human Rights¹;
4. Considering that the Brazilian government does not yet have a specific programme or plan relating to the promotion of human rights by companies²;
5. Considering the recommendations from the Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on its mission to Brazil³, from 12 May 2016, especially those ones concerning the National Action Plan and the implementation of the UN Guiding Principles by companies:
 - Develop a national action plan on business and human rights on the basis of multi-stakeholder engagement
 - Create platforms and strengthen mechanisms for dialogue between Government, businesses and civil society on business and human rights issues;
 - The Working Group recommends that all business enterprises, including private enterprises and State-owned enterprises: (a) Comply with their responsibility to respect international human rights by adopting a human rights policy and carrying out human rights due diligence to identify, prevent, mitigate and account for how they address adverse human rights impacts.

Recommendations

¹ <http://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx>

² <https://business-humanrights.org/en/brazil-0>

³ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/096/43/PDF/G1609643.pdf?OpenElement>

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The Global Compact Network Brazil and the member of its Human Rights and Labour working group would like to recommend:

1. The creation of a National Action Plan on Business and Human Rights that:
 - Follows a participatory preparation process (government, business, civil society and victims) which is inclusive and representative from the beginning;
 - Clarifies the roles and responsibilities of companies in relation to human rights in the value chain and the environment;
 - Promotes tools for due diligence in human rights and dissemination of good practices;
 - Is coordinated by an intergovernmental group that ensures dialogue with other agendas from government, business and industry representative groups, civil society organizations, victims and UN specialized agencies in business and human rights.
2. The State should issue a recommendation for companies to describe, in their public reports, which mechanisms and indicators they have used to identify, prevent, treat and mitigate (due diligence) its actual and potential impacts on human rights in its direct and indirect activities (commercial relations/ value chain).
3. The State must encourage companies to teach and engage their employees in human rights issues, as well as the affected public, so they know what their rights are and what are the commitments made by the company. Also, the State should promote the UN Guiding Principle on Business and Human Rights to government bodies that are not traditionally active in the area of human rights aiming to build consensus on the importance of those Principles.
4. The government should support for initiatives and strategies to combat discrimination and promote the inclusion of people with disabilities, women, LGBT, refugees and other populations, developed by companies and the various levels of government, in cooperation with the civil society, such as diversity committees and forums in companies, and implementation of mediation mechanisms.