

Business and Human Rights Considerations on the Rise in 2023

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Business and human rights expectations and obligations, based at their core on the UN Guiding Principles on Business and Human Rights (UNGPs), are now increasingly being integrated into non-binding local business expectations as well as binding international, national, and regional laws.

Notably, in February 2022, the EU Commission proposed a directive on Corporate Sustainability Due Diligence, which would impose obligations on companies to identify, bring to an end, prevent, mitigate, and account for negative human rights and environmental impacts in their own operations, amongst their subsidiaries and throughout their full value chains (the EU Directive). Following negotiations with the European Council, the EU Directive may be passed by the end of 2023 and implemented as early as 2025 throughout the EU.

Binding legal requirements that implement aspects of the UNGPs have also gained momentum at the national level. France (2017), Germany (2021), Norway (2021), and Switzerland (2021) have now implemented mandatory human rights reporting and due diligence requirements, and proposed legislation in the Netherlands, Belgium, Austria, and Mexico would do the same. As an example, the German Supply Chain Act requires certain companies to identify human rights and environmental risks in their activities and supply chains, prevent or mitigate harms, and establish a complaint mechanism. The Act applies to companies with at least 3,000 employees in Germany as of January 2023 and at least 1,000 employees in Germany in January 2024.

Finally, business and human rights remains an issue of bilateral cooperation between countries, as global supply chains become increasingly integrated and complex. For example, in January 2023, the United States and Japan announced the launch of a task force and a Memorandum of Cooperation to promote the exchange of information and promote best practices with respect to human rights and international labor standards in supply chains.

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