



BUSINESS & HUMAN RIGHTS

CHANGING GLOBAL REGULATORY LANDSCAPE



BUSINESS & HUMAN RIGHTS



The last few years have evidenced an intense process of transformation in the global normative scenario regarding the responsibility of companies to respect human rights. In 2011, the United Nations Guiding Principles on Business and Human Rights (“Guiding Principles”) were approved, a milestone for a progressive advance of the agenda among states, global civil society, companies, and investors. In 2017, the first national legislations imposing due diligence duties on companies appeared.

The current scenario is marked by a consistent advance in the so-called “ESG” agenda, an acronym referring to environmental, social and governance issues. It highlights multiple national and international normative processes, of a voluntary and binding nature, running concurrently and in a complementary manner to compose a “smart mix” of guidelines and normative regimes for respecting human rights in corporate action.

On one hand, we have a wide range of voluntary guidelines for implementing the Guiding Principles, such as the National Action Plans

on Business and Human Rights under development in several countries around the world, the Organization for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises, and other corporate standards and performance standards.

On the other hand, national, regional and international regulations have advanced in imposing legal obligations on companies. As an example, an international treaty to regulate the activities of corporations regarding human rights is currently being negotiated, and due diligence legislation is gaining strength in Europe, which is gradually reaching Latin American countries through bills.

This work seeks to present the changing landscape of the field of Business & Human Rights. Thus, we will not present the norms and regulations of topics related to the ESG agenda as a whole (such as environmental, climate, labor, and financial market disclosure issues, among others), but rather the advancement of norms and parameters focused on the so-called duty of due diligence until 2022.

United Nations (UN)

1972-1992

Code of Conduct on Transnational Corporations

Unapproved

1999

Global Compact

2000

2015 Agenda
Millennium Development Goals

1997-2003

Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights
Unapproved

2011

Guiding Principles on Business and Human Rights

UN Human Rights Council Resolution 17/4 - Creation of the UN Working Group on Business and Human Rights

2017

Third session of the open-ended intergovernmental working group
Elements for a draft legally binding instrument on transnational corporations and other business enterprises with respect to human rights

2015

2030 Agenda
Sustainable Development Goals

2014

UN Human Rights Council Resolution 26/9 – Creation of the Open-ended Intergovernmental Working Group on Transnational Corporations and Other Businesses with Respect for Human Rights

2018

Fourth session of the open-ended intergovernmental working group
[Zero draft] Legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises

2021

Seventh session of the open-ended intergovernmental working group
[3rd revised draft] Legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises

2022

Eighth session of the open-ended intergovernmental working group – Letter of the Chair-Rapporteur of October 2022 regarding suggested proposals for select articles of the LBI

2020

Sixth session of the open-ended intergovernmental working group
[2nd revised draft] Legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises

2019

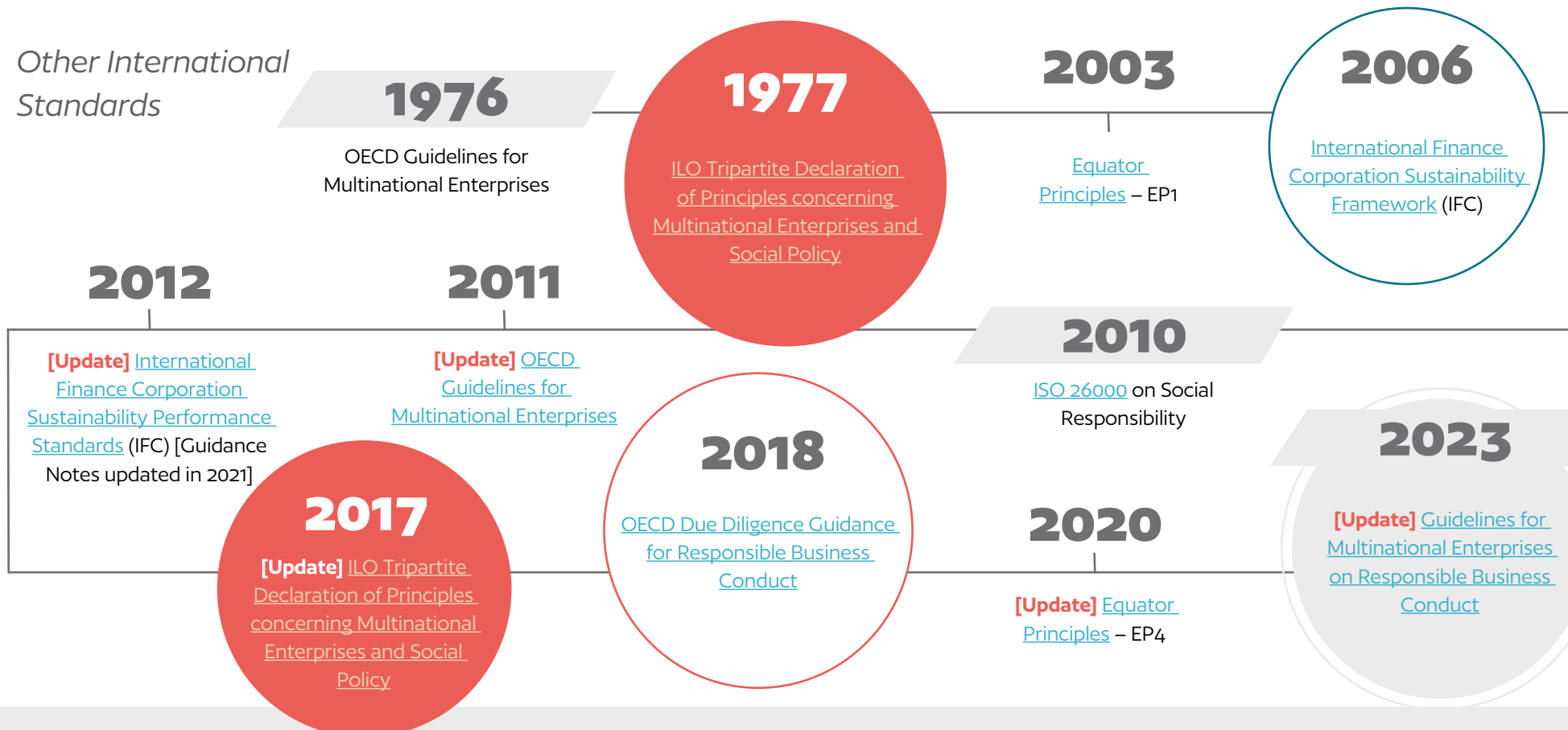
CERALC Project - Responsible Business Conduct in Latin America and the Caribbean (joint initiative between ACNUDH, ILO, OECD e European Union)

Fifth session of the open-ended intergovernmental working group
[Revised draft] Legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises

2023

9th Session of the Intergovernmental Working Group
[Version 4] Binding normative instrument to regulate, in international human rights law, the activities of transnational corporations and other businesses

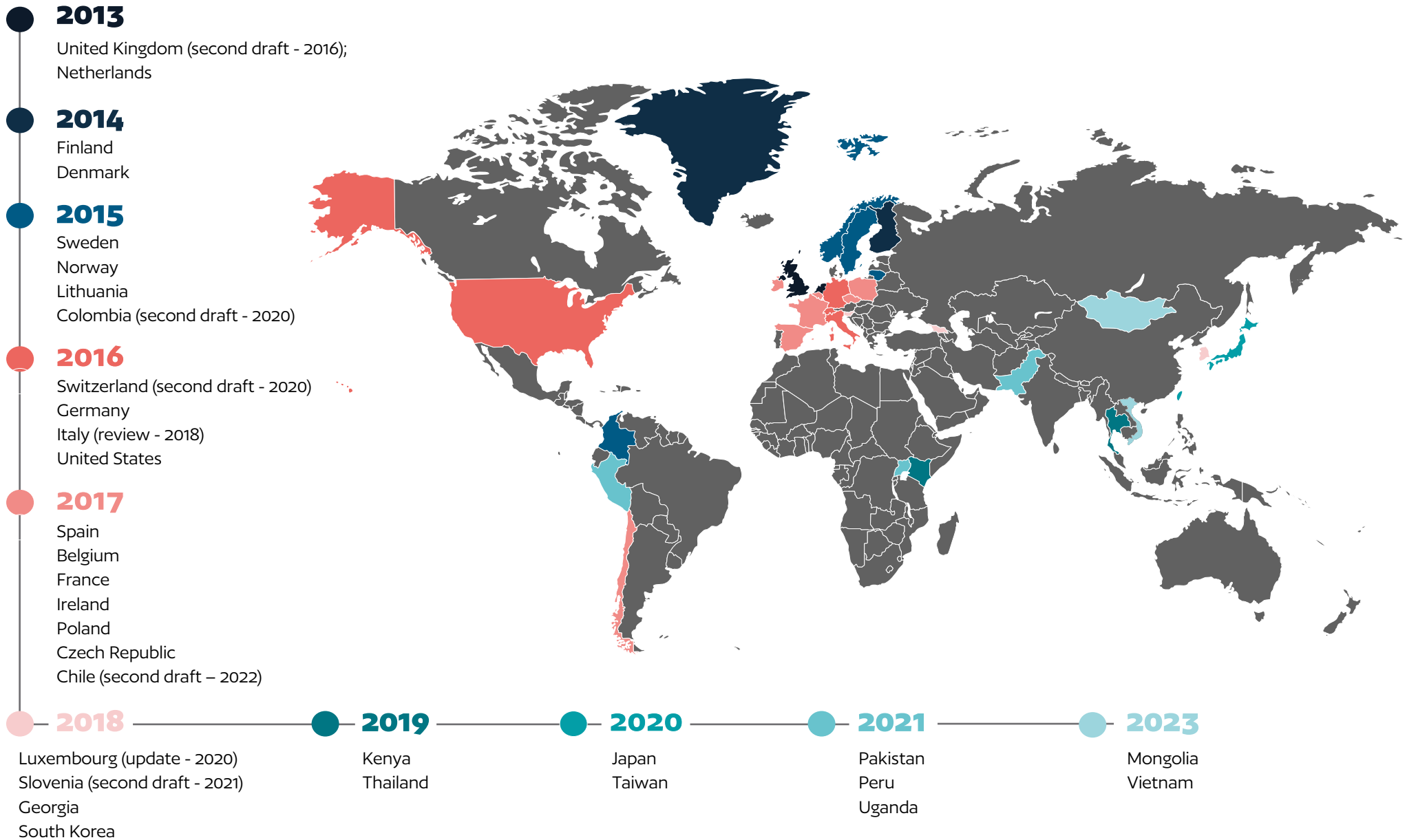
Other International Standards



Brazilian Guidelines, Norms and Standards



NATIONAL ACTION PLANS ON BUSINESS & HUMAN RIGHTS



DUE DILIGENCE STANDARDS & GUIDELINES

2001

ITALY - [Legislative Decree No. 231/2001](#) – administrative responsibility of legal entities for crimes committed in their interest or for their advantage



2010

USA/CALIFORNIA – [California Transparency in Supply Chains Act](#)



2012

USA – [U.S. Dodd-Frank Act on Conflict Minerals](#)

2015

UNITED KINGDOM – [UK Modern Slavery Act](#)

SINGAPORE – [Prevention of Human Trafficking Act](#)



2018

AUSTRALIA – [Law No. 153/2018](#) – Modern Slavery Act



2017

FRANCE – [Law No. 2017-399](#) – French [Corporate Duty of Vigilance Law](#)

EUROPEAN UNION – [Regulation No. 2017/821](#) on Conflict Minerals



2016

USA – [Revision of Section 307 of the Tariff Act of 1930](#) - prohibition of importation of goods produced with prison labor, slave labor and child labor

2019



EUROPEAN UNION – [Regulation No. 2019/2088](#) on sustainability-related disclosures in the financial services sector



NETHERLANDS – [Child Labor Due Diligence Law](#)

2020



EUROPEAN UNION – [Regulation No. 2020/852](#) - Taxonomy for Sustainable Finance

DUE DILIGENCE STANDARDS & GUIDELINES

2021



GERMANY – [Act on Corporate Due Diligence Obligations in Supply Chains](#)



USA/CALIFORNIA – [SB No. 62/2021](#) – Holding companies in the apparel industry accountable for labor violations committed by their suppliers



NORWAY – [LOV-2021-06-18-99](#) – Transparency Act



SWITZERLAND – [Ordinance on Due Diligence and Transparency in relation to Minerals and Metals from Conflict-Affected Areas and Child Labour](#)



USA – [H.R.6210](#) – Uyghur Forced Labor Prevention Act



2022

EUROPEAN UNION – [CSRD \(2022/2464/EU\)](#) - Directive on Corporate Sustainability Reporting (Revises Directive No. 2014/95/EU)

JAPAN – [Guidelines on Respecting Human Rights in Responsible Supply Chains](#)

2023



CANADA – [Act S-211 to Combat Forced and Child Labor in the Supply Chain](#) [Enters into force in May 2024]



MEXICO – [Agreement prohibiting the import of goods produced from forced labor](#) [In force since May 2023]



EUROPEAN UNION – [EUDR 2023/1115](#) – European Union Regulation on Deforestation-Free Products [entered into force in June 2023 and will become enforceable from December 2024]



2024

EUROPEAN UNION - Daphne's Law - [\(EU\) 2024/1069](#) – EU Directive on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings (“Strategic lawsuits against public participation”)

EUROPEAN UNION – [EU Regulation on prohibiting products made with forced labour on the Union market \(COM\(2022\)0453 – C9-0307/2022 – 2022/0269\(COD\)\)](#)

EUROPEAN UNION - [COM \(2022\) 71](#) - EU Corporate Sustainability Due Diligence Directive (CSDDD)

DUE DILIGENCE STANDARDS & GUIDELINES

Projects and
Proposals

2018



AUSTRIA – [Bill No. 324/A](#) on Social Responsibility in the Garment Industry with Regard to Forced and Child Labor

2020

MEXICO – [Bill of Law on General Corporate Responsibility and Due Diligence](#)



2022

EUROPEAN UNION – [European Parliament resolution 2022/2611\(RSP\) on a new trade instrument to ban the import of products made by forced labor](#)

BRAZIL – [PL nº 572/2022](#) – Bill of Nacional Framework on Human Rights & Business

SPAIN – [Bill of Law on the protection of human rights, sustainability and due diligence in transnational business activities](#)

NETHERLANDS – [Bill on Responsible and Sustainable International Business Conduct Act](#)

NEW ZEALAND – Bill on Modern Slavery Act

2021



AUSTRIA – Bill on a Supply Chain Act

BELGIUM – Bill of Law on Duty of Vigilance

2023

SOUTH KOREA – [Law on Human Rights and Environmental Protection for Sustainable Business Management](#)

UNITED KINGDOM – [Duty of Business Organizations and Public Authorities](#) (Human Rights and Environment) Act [HL]

Production

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São Paulo, 2024.
Content updated in May 2024.

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