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# The Danish Institute for Human Rights - Business and Human Rights Work

This document highlights how the Institute works on a range of business and human rights issues including public procurement, work with companies, and business and human rights within treaty monitoring processes.

## PUBLIC PROCUREMENT AND HUMAN RIGHTS

From 2017-2019 the Danish Institute for Human Rights (the Institute) led a project on public procurement and human rights with local municipalities in Denmark. This project built on the UN Guiding Principles on Business and Human Rights (UNGPs) which provides that, “States should promote awareness of and respect for human rights by business enterprises with which they conduct commercial transactions.”, including through the terms of procurement contracts. The project was funded by the Danish OECD National Contact Point and has strengthened our relationship with them.

The project had two phases. The first phase was a pilot project where we worked together with the municipalities to introduce human rights protections in several procurement processes. The second stage was to take the lessons learnt from this process and include

them in a report which provides advice and guidance to public procurers and contract managers. This report was published in 2019.<sup>1</sup>

Public procurement also provides a strong platform to demonstrate the cross-over between the UNGPs and the 2030 Agenda for Sustainable Development which highlights the role of government procurement in the transition to sustainable production and consumption, decent work, and more inclusive economies.

Sustainable Development Goal 12.7 calls on all states to “Promote public procurement practices that are sustainable, in accordance with national policies and priorities”. Sustainable practices should reflect the environmental, social and economic dimensions of sustainable development, which includes human rights.<sup>2</sup> To this end the Institute is producing a toolkit for policymakers, public buyers, and contract managers on public procurement and human

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<sup>1</sup> Danish Institute for Human Rights, [Menneskerettigheder og offentlige indkøb](#), September 2019

<sup>2</sup> Indeed, the 2030 Agenda and its 17 Sustainable Development Goals (SDGs) clearly state that they “seek to realize the human rights of all”.

rights which was published in a road-testing version in 2019.<sup>3</sup> As well as providing practical support to practitioners it will hopefully help cement human rights as a key element within sustainable procurement.

The Institute is cognisant that adopting a position on the topic of public procurement and human rights alongside other organisations can help increase our voice. To this end, the Institute was a co-founder of the international learning lab on public procurement and human rights.<sup>4</sup>

The inaugural report of the learning lab, 'Public Procurement and Human Rights: A Survey of Twenty Jurisdictions',<sup>5</sup> has helped shaped the conversation on public procurement and human rights by highlighting some of the universal challenges faced in working on the topic. The learning lab has also submitted information to parliamentary inquiries in the UK<sup>6</sup> and Australia,<sup>7</sup> consultations by the European

Commission,<sup>8</sup> and the UN Working Group on Business and Human Rights.<sup>9</sup>

The Institute has also worked with the European Network of National Human Rights Institutions (ENNHRI) to develop a statement to the Council of Europe High Level Seminar on Business and Human Rights<sup>10</sup> on Human Rights implications of privatising or contracting out Public Services.



International Learning Lab  
on Public Procurement and Human Rights

Photo: International learning Lab on Public Procurement and Human Rights

In November 2019, the Institute published a road-testing version of a toolkit on human rights for policy makers and public buyers<sup>11</sup>. The objective of the Toolkit is to enable public procurement policy makers, buyers and

<sup>3</sup> Danish Institute for Human Rights, [Driving change through public procurement: A toolkit on human rights for policy makers and public buyers \(road-testing version\)](#), November 2019

<sup>4</sup> International Learning Lab on Public Procurement and Human Rights: <https://www.hrprocurementlab.org/>.

<sup>5</sup> Claire Methven O'Brien, Amol Mehra, and Nicole Vander Meulen (2016), Public Procurement and Human Rights: A Survey of Twenty Jurisdictions, International Learning Lab on Public Procurement and Human Rights.

<https://www.hrprocurementlab.org/blog/reports/public-procurement-and-human-rights-a-survey-of-twenty-jurisdictions/>.

<sup>6</sup> Andy Davies, Claire Methven O'Brien, Daniel Morris, and Olga Martin-Ortega (2018), Submission the UK All Party Parliamentary Group on Sport, Modern Slavery and Human Rights, Call for Evidence for the report into pressing human rights problems affecting large scale sporting events around the world.

<https://www.hrprocurementlab.org/blog/articles/learning-lab-submission-to-the-uk-all-party-parliamentary-group-on-sport-modern-slavery-and-human-rights-call-for-evidence-for-the-report-into-pressing-human-rights-problems-affecting-large-scale-s/>.

<sup>7</sup> Olga Martin-Ortega and Claire Methven O'Brien, (2017), Learning Lab Submits Written Evidence to the Australian Inquiry into the Commonwealth Procurement Framework.

<https://www.hrprocurementlab.org/blog/articles/learning-lab-submits-written-evidence-to-the-australian-inquiry-into-the-commonwealth-procurement-framework/>.

<sup>8</sup> Claire Methven O'Brien, Olga Martin-Ortega and Eamonn Conlon (2018), Guidance on Socially Responsible Public Procurement: Response to consultation of the European Commission by the International Learning Lab on Procurement and Human Rights.

<https://www.hrprocurementlab.org/blog/articles/guidance-on-socially-responsible-public-procurement-response-to-consultation-of-the-european-commission-by-the-international-learning-lab-on-procurement-and-human-rights/>.

<sup>9</sup> Claire Methven O'Brien and Olga Martin-Ortega (2017), Learning Lab Submission to the UN Working Group's Open Multi-Stakeholder Consultation on the State as an Economic Actor.

<https://www.hrprocurementlab.org/blog/articles/learning-lab-submission-to-the-un-working-groups-open-multi-stakeholder-consultation-on-the-state-as-an-economic-actor/>.

<sup>10</sup> ENNHRI (2017), Statement to the Council of Europe High Level Seminar on Business and Human Rights.

[http://ennhri.org/IMG/pdf/ennhri\\_statement\\_public\\_procurement\\_fin.pdf](http://ennhri.org/IMG/pdf/ennhri_statement_public_procurement_fin.pdf).

<sup>11</sup> Danish Institute for Human Rights (2019). Driving a change through public procurement: A toolkit on human rights for policy makers and public buyers (Road-testing version). <https://www.humanrights.dk/publications/driving-change-through-public-procurement-toolkit-human-rights-policy-makers-public>

contract managers at central and local levels, to implement and enforce requirements that actual and potential suppliers respect human rights throughout their value chains.

## WORK WITH COMPANIES

Uniquely amongst National Human Rights Institutions, the Danish Institute has a mandate to advise the private sector on human rights. This is done through the Corporate Engagement Programme.<sup>12</sup> The Programme supports and promotes that business and financial actors respect human rights and contribute to sustainable development. The Institute engages directly with companies on their efforts to identify, act on, track and communicate their negative impacts on human rights. Moreover, the Institute supports companies in building internal awareness of and capacity on human rights in relevant company functions.

The Corporate Engagement Principles, which underpin the Institute's work, require companies to commit to improving their impact on human rights.<sup>13</sup>

## INTERNATIONAL TREATY MONITORING

International treaty monitoring processes provide an opportunity for the Institute to raise business and human rights issues at the UN to highlight progress and gaps which still exist, both within Denmark and by Danish businesses operating abroad. Based on the evidence provided by Denmark, and by the Institute (amongst others), a treaty

monitoring committee may make recommendations to Denmark regarding business and human rights issues.

Such recommendations are powerful tools in the work of an NHRI as it gives us a basis for future conversations with the state on what they are doing to implement such recommendations. Denmark was examined by the UN Committee Against Torture in 2018. In line with its mandate, the Institute produced its Report Prior to Adoption of List of Issues in January 2018 which included suggested enquiries for the committee to ask of Denmark.<sup>14</sup>

Unfortunately, these were not included by the committee in their finalised list of issues. However, in 2019 Denmark was examined by the Committee on Economic, Social and Cultural Rights and the Institute's parallel report did include human rights and business related recommendations, including an update of the National Action Plan on Business and Human Rights. The Committee included a recommendation for Denmark to update the National Action Plan in their final report.

## 20 YEARS OF BUSINESS AND HUMAN RIGHTS

The Institute has been working with human rights and business since 1999 to help clarify and strengthen the roles and responsibilities of state and non-state actors with regards to

<sup>12</sup> For more information on our corporate engagement programme, see [here](#)

<sup>13</sup> Danish Institute for Human Rights, [Corporate Engagement Principles](#), February 2019

<sup>14</sup> Danish Institute for Human Rights (2018), Report Prior to Adoption of List of Issues – Denmark. [https://tbinternet.ohchr.org/Treaties/CAT/SharedDocuments/DNK/INT\\_CAT\\_IFR\\_DNK\\_30175\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/SharedDocuments/DNK/INT_CAT_IFR_DNK_30175_E.pdf)

business and human rights.<sup>11</sup> Following the adoption of the UNGPs and the revision of the OECD Guidelines for Multinational Enterprises in 2011, the Institute has provided guidance on implementing the frameworks to state actors, national human rights institutions and businesses.

During these 20 years, the normative frameworks, methodologies and tools have become more refined. Practitioners, civil society organisations, academics, businesses and state actors have gained experience working in the nexus of human rights and business. But while progress has been made, new challenges have emerged. As a response, the Institute has recently provided guidance on engaging with indigenous communities during due diligence processes,<sup>15</sup> and has been actively involved in bringing gender-related concerns to the centre of the business and human rights narrative.<sup>16</sup> Moreover, major areas of work for the Institute in the years to come include responding to human rights issues related to technology, addressing human rights challenges in the renewable energy transition, ensuring responsibility in the finance sector, and establishing smarter regulatory frameworks.

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<sup>11</sup> Danish Institute for Human Rights (2019). 20 years of business and human rights – a snapshot. <https://www.humanrights.dk/publications/20-years-business-human-rights-snapshot>

<sup>15</sup> Danish Institute for Human Rights, [Respecting the rights of indigenous peoples: a due diligence checklist for companies](#), June 2019

<sup>16</sup> For more information on work with gender and business and human rights, see [here](#)