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Human Rights Commission, Zambia – Business and Human Rights work

This document highlights how the Commission produced a Business Guide to Human Rights and how they developed a National Baseline Assessment.

MEMORANDUM OF UNDERSTANDING AND BUSINESS GUIDE TO HUMAN RIGHTS IN ZAMBIA

In 2013, the Human Rights Commission, Zambia (HRC)¹ began examining ways of initiating domestication of the United Nations Guiding Principles on Business and Human Rights (UNGPs). Subsequently, a three-year Memorandum of Understanding (MoU) to jointly implement some activities on Business and Human Rights was signed with the Danish Institute for Human Rights (DIHR). The objectives of the MOU were:

- (i) increase the knowledge, understanding and develop skills necessary for Commission staff to implement its mandate in relation to business and human rights; and
- (ii) assist companies assess, identify and address the human rights impacts related to their business operations through the Human Rights and Business Country Guide.²

As a result, the HRC and the DIHR collaborated to develop the Business Guide to Human Rights in Zambia. The aim was to

provide country specific information about the context in which Zambian businesses operate and to provide guidance to help companies manage their human rights impacts.

TRAINING OF HRC STAFF ON BUSINESS AND HUMAN RIGHTS

The success of the Business Guide to Human Rights in Zambia was hampered by insufficient awareness and internalisation by key stakeholders, including businesses, on the UNGPs and human rights and other international standards. Therefore, as part of the subsequent process to strengthen the HRC to implement its mandate in relation to business and human rights, the HRC and the DIHR conducted training of HRC staff on business and human rights in 2014, aimed at developing the capacity of HRC staff to undertake business and human rights activities.

During the capacity building process several proposals for follow-up activities to implement the UNGPs emerged. It was

¹ Zambia Human Rights Commission (2018). <http://www.hrc.org.zm/>

² Danish Institute for Human Rights (n.d.), The human rights and business country guide. www.humanrights.dk/projects/human-rights-business-country-guide

immediately recognised that one of the biggest obstacles to implementation of the UNGPs in Zambia was the lack of understanding and skills necessary to undertake development of a National Action Plan on Business and Human Rights (NAP) within Government; there had been no notable steps taken by Government to implement the UNGPs.

NATIONAL BASELINE ASSESSMENT ON BUSINESS AND HUMAN RIGHTS (NBA)

It was therefore agreed that the most appropriate and effective means to catalyse Government action on business and human rights would be to produce a national baseline assessment on business and human rights (NBA) to highlight the key legal, policy and administrative gaps that needed to be addressed in a NAP. It was understood that this should be carried out by an institution that had the trust of Government but with independence to produce a report that could equally be trusted and relied upon by other key stakeholders. Based on that, the HRC considered that it was well placed to prepare the NBA and commenced the process.

The baseline study was conducted through extensive desk research and used findings to further interrogate stakeholder submissions. To collect primary data, questionnaires covering relevant components of the DIHR-ICAR toolkit were sent to relevant Government Ministries, Departments and Agencies (MDAs) soliciting information on specific indicators and related scoping questions.

Similar questionnaires were also sent to Civil Society Organisations and Non-Governmental

Organisations working in areas of interest related to some MDAs' work areas, with a view to further cross-check the veracity of stakeholder submissions.

Roundtable stakeholder meetings were held to discuss data collected on specific thematic areas, indicators and scoping questions with relevant stakeholders. The process also included in-depth intra-team consultations aimed at assessing relevance, adequacy, accuracy, credibility and reliability of information collected from various sources and to debate, process and further refine all information gathered.

The draft baseline report was circulated in confidence to relevant stakeholders to comment and further verify the accuracy of information entered into the document template. The final NBA draft was subjected to detailed stakeholders review, debate and validation.



Photo: HRC. Stakeholders from Ministries, Departments and Agencies participating in an awareness creation on the Business and Human Rights and Baseline study report, 2016.

After the NBA was published, further engagement meetings were held with different stakeholder constituencies to share and discuss findings and next steps. The meetings were organised and co-hosted by prominent stakeholder institutions from Government, Civil Society and Business.



The engagement meetings also served to create more awareness among stakeholders on the UNGPs. Through these meetings, the HRC also sought to build a strong coalition on business and human rights and to gain a commitment from Government to develop a NAP. Through the stakeholder engagement process, the Government committed to developing a NAP.

During the third Universal Periodic Review on Zambia, the Government re-affirmed its commitment to development of National Action Plans by accepting a recommendation from Kenya to 'develop a National Action plan on Business and Human Rights and implement it together with the UN Guiding Principles on Business and Human Rights'.³ The Government has further prioritised the development of NAP in the 7th National Development Plan running from 2017 to 2021.

BASELINE STUDY FOR PILLAR II

To complement the initial NBA and bring about balance in the NAP process, the HRC is currently conducting a baseline study on Pillar II of the UNGPs; the corporate responsibility to respect human rights. The Pillar II baseline will seek to assess measures taken by companies in Zambia to implement their corporate responsibility to respect and redress human rights impacts, using the mining and agricultural sectors as case studies.

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<http://www.hrc.org.zm/index.php>

³ UPR Info, (n.d.). Database of Recommendations. https://www.upr-info.org/database/index.php?limit=0&f_SUR=193&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax

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