Evidence for mandatory Human Rights Due Diligence legislation

In the past years, several European countries, as well as the EU, have adopted or started to consider legislation that embeds elements of Human Rights Due Diligence (“HRDD”) into law. Other European institutions, United Nations bodies and other international organisations have also acknowledged the need for binding regulation to promote the implementation of HRDD and to improve access to justice for victims of corporate-related human rights abuses. This type of regulation is also gaining broader support from the business community, which considers it a means to help them implement their responsibility to respect human rights.

This document collects an updated list of key policy and legislative developments in the field of mandatory HRDD (“mHRDD”) and corporate liability that shows the emergent trend towards binding legislation.

For a collection of worldwide developments, news, academic articles and other resources, visit the collective website BHRinlaw.org.

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A) LEGISLATIVE PROCESSES AT COUNTRY LEVEL

Austria:

- In July 2018, the Social Democratic Party (SPÖ) introduced a draft for a Social Responsibility Law in the garment sector. By specifying due diligence requirements for companies, it aimed to prevent the sale of clothing and footwear produced with forced and child labour.
- In April 2019, the draft was set back when the government resigned.
- In May 2020, the draft was introduced again to the new Austrian Parliament. The new draft also covers online commerce of garment and footwear.

Denmark:

- In January 2019, three political parties put forward a parliamentary motion requesting the Government to develop a legislative proposal on mandatory HRDD and corporate liability, with the support of over 100 civil society organisations, the trade union confederation, the Danish Consumer Council and some businesses.

France:

- In February 2017, the Duty of Vigilance Law was adopted, requiring large French companies to establish and publish a vigilance plan with measures to adequately identify risks and prevent serious harms to human rights, human health and safety, and to the environment linked to their own activities and to the activities carried out by subsidiaries, subcontractors and suppliers. The law also establishes civil liability for harms resulting from a company’s failure to observe its duty of vigilance.
- In November 2018, in its national strategy on deforestation, the government committed to support a legislative proposal establishing an EU-wide duty of vigilance.
- In February 2020, the French General Council of the Economy published an assessment report of the Duty of Vigilance law.

Germany:

- In February 2019, a preliminary draft law on mHRDD by the Ministry of Development and Cooperation was leaked.
- In December 2019, the Ministries for Labour and Development jointly committed to developing a supply chain due diligence law (see section B).
- In June 2020, the key points for a German Supply Chain Act by these two Ministries were leaked.

Italy:

- In 2001, the Legislative Decree on Administrative Liability of Legal Entities introduced corporate criminal liability for crimes committed in the interest or advantage of the company, including human rights violations. Corporate liability may also accrue for human rights abuses committed by Italian enterprises operating abroad, especially if part of violations occurred in Italy. In order to avoid liability, companies shall demonstrate that they implemented compliance programs. This provision has raised awareness among companies about the idea of preventing human rights offenses, in accordance with HRDD procedures.

Netherlands:

- In May 2019, the Senate adopted the Child Labour Due Diligence Law, creating HRDD requirements for those companies, wherever incorporated, that deliver products and services to the Dutch market two or more times a year. Companies will have to submit a statement to the regulatory authority declaring that they have carried out due diligence to identify risks related to child labour throughout their full supply chain. In case child labour is presumed to take place, the company has to draw up an action plan.
Norway:

- In 2018, the Government mandated an Ethics Information Committee\(^{10}\) to explore responsible business and supply chain regulation.
- In November 2019, the Ethics Information Committee published a draft act relating to transparency regarding supply chains, the duty to know and due diligence\(^{11}\).
- In parallel, the Government is examining a possible law against modern slavery similar to the UK Modern Slavery Act\(^{12}\).

Switzerland:

- In 2015, the Federal Act on Private Security Services Provided Abroad (PSSA) entered into force, establishing the prohibition of direct and indirect participation in hostilities\(^{13}\). Private security companies abroad are required to disclose the nature and place of the activity, the provider, the recipient and the personnel employed.
- In June 2018, the National Council (lower house) approved a legislative proposal that would require large companies to conduct HRDD according to the United Nations Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines\(^{14}\) and establish civil liability for parent companies for harm caused by their subsidiaries. The National Council reaffirmed this counter-proposal in June 2019, January 2020\(^{15}\) and March 2020\(^{16}\). The bill was a counter-proposal to the citizen Responsible Business Initiative (RBI)\(^{17}\), which proposed changing the Constitution to introduce a duty of care for companies, including HRDD obligations and civil liability.
- In March 2019, the Council of States (upper house) rejected the RBI as well as the counter-proposal\(^{18}\) and voted for a weaker bill in December 2019 and March 2020\(^{19}\), which nevertheless included non-financial reporting requirements, HRDD rules with respect to child labour and conflict minerals.
- In June 2020, both parliamentary chambers opted for the weaker bill proposed by the Council of States. As a consequence, the citizen RBI will be put to referendum, probably on 29 November 2020. If the RBI is accepted, implementation legislation will follow, and the counter-proposal will not enter into force. If the RBI is dismissed, the counter-proposal will automatically enter into force.

United Kingdom\(^{20}\):

- In 2015, the Modern Slavery Act was adopted. It includes a Transparency in Supply Chains clause, which requires companies domiciled or conducting business in the UK to disclose the steps undertaken (including due diligence measures) to ensure that slavery or human trafficking is not taking place in their supply chains.
- In January 2020, the Environment Bill, aimed at setting out UK’s environmental standards after Brexit, was reintroduced to Parliament. In March 2020, Labour MP Kerry McCarthy proposed an amendment (see page 33) to the Bill that would require the government to publish a separate draft bill on HRDD\(^{21}\).
### B) Policy Statements at Country Level

#### Belgium:

- **In December 2019**, Belgium’s Deputy Prime Minister and Minister of Finance and Development Cooperation said he would support a mHRDD law at EU-level.

- **In May 2020**, different Green and Socialist members of the federal Belgian parliament asked some questions regarding HRDD during commission sessions to the ministers of Foreign Affairs and Economy. They asked Belgium to play an important role at EU level regarding the UN Treaty negotiations and to consider the drafting of a Belgian mHRDD law.

#### Finland:

- **In June 2019**, the government committed to mHRDD legislation at national and EU levels. This was an outcome of the #ykkösketjuun campaign, supported by over 140 companies, civil society organisations and trade unions.

- **In June 2020**, the Ministry of Economic Affairs and Employment published a study on options for a national mHRDD law. The study shows that adopting an mHRDD law at national level is possible within the Finnish legal framework. Following the publication of the study, a three-month consultation period is taking place until the end of September 2020, after which the Ministry will decide whether to present a legislative proposal or not.

#### Germany:

- **In 2018**, based on the National Action Plan (NAP) to implement the UNGPs (2016), the government’s coalition agreement stated that the government would consider introducing legislation if, by 2020, less than half of German companies with over 500 employees had HRDD processes in place.

- **In December 2019**, the Ministers for Labour and Development jointly committed to developing a supply chain due diligence law, after verifying that not even 20% of companies surveyed under the 1st round of the NAP monitoring procedure so far were found to be undertaking HRDD measures.

- **In July 2020**, the results of the 2nd round showed that only 22% of companies comply with HRDD requirements. After this, the Ministers for Labour and Development referred to the coalition agreement and announced their intention to put forward an mHRDD law in early 2021.

#### Italy:

- **In 2016**, the National Action Plan set the government’s commitment to assess the integration of more human rights offences into Law 231/2001 regarding administrative liability of legal entities, as well as to assess and evaluate legislative reforms requiring corporate respect of human rights, including corporate due diligence.

#### Luxembourg:

- **In 2018**, the government’s coalition agreement included a commitment to explore the possibility of HRDD legislation in Luxembourg and to support binding and effective EU legislation.

- **In December 2019**, Luxembourg adopted its second NAP, which contained some actions regarding HRDD at national and EU level.

- **In 2020**, the government has commissioned a study on the possibility to legislate on mandatory HRDD at national level.

#### Netherlands:

- **In March 2020**, the Christian Union (CU), one of the four government parties, published an outline for a broad due diligence law.
In June 2020, four political parties (ChristenUnie, SP, PvdA and GroenLinks) submitted an "initiative notice" for mHRDD legislation in the Dutch parliament, prior to the submission of a legislative proposal.

The government has moved to establish a formal policy development process, according to a detailed timeline. In autumn 2020, a decision on new Responsible Business Conduct policy measures is due.

In September 2020, the Social and Economic Council of the Netherlands (SER), the Dutch government’s main advisory body for social and economic policy, which represents the interests of employers and employees, issued the statement ‘Together towards sustainable chain impact’, calling for broad cross-cutting mandatory human rights and environmental due diligence legislation. The statement was provided in response to a specific request from the Minister for Foreign Trade and Development Cooperation to evaluate different options for improving Dutch policy on Responsible Business Conduct.

Spain:

In 2019, both government’s coalition parties committed to a national mHRDD law in their electoral programs (see page 276 of the programme of PSOE and commitment 254 of the programme of Podemos).

Sweden:

In March 2018, in the outcome of a study commissioned by the Minister of Trade, the Swedish Agency for Public Management recommended that the Government looks into binding human rights due diligence requirements for Swedish companies, as well as address access to remedy obstacles faced by victims of corporate abuse.

United Kingdom:

In March 2017, the Parliament’s Joint Committee on Human Rights recommended legislation imposing a duty on all companies to prevent human rights abuses, which would require implementing HRDD and would enable civil remedies against the parent company when abuses occur.

In March 2020, the Environment Ministry published a report of the Global Resource Initiative Taskforce, which recommends that the government urgently introduces mHRDD obligations for companies that place commodities and derived products that contribute to deforestation on the UK market and to take action to ensure similar principles are applied to the finance industry.

Green Card procedure:

In 2016, members of parliaments in eight EU Member States triggered a 'Green Card' procedure, requesting the European Commission to initiate a legislative procedure to ensure corporate accountability for human rights abuses. The initiative, supported by France, UK, Italy, Estonia, Lithuania, Slovakia, Portugal, and The Netherlands, called for an EU duty of care legislation that protects individuals and communities whose human rights and local environment are affected by the activities of EU-based companies.
C) EU LEGISLATION

**Timber Regulation (2010):**
- Requires companies or persons placing timber or timber products on the EU market to conduct due diligence in order to determine the source of the timber and its legality.

**Non-Financial Reporting Directive (2014):**
- Establishes general disclosure requirements for large and listed companies. Companies are required to report annually on their principal risks regarding, among others, environmental impacts and respect for human rights, as well as on the due diligence policies implemented to address these risks and their outcomes. The disclosure obligation covers information related to the company's own operations and to its supply chains and business relationships.

**Conflict Minerals Regulation (2016):**
- Lays down supply chain due diligence obligations for EU importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas.
D) SUPPORT BY EU AND EUROPEAN INSTITUTIONS

European Commission (EC):

- In 2018, the Action Plan on Financing Sustainable Growth included, among other measures aimed at improving corporate governance, a commitment to assess by 2019 the possibility of introducing supply chains due diligence requirements for corporate boards. Such mandatory due diligence would not be limited to specific issues such as conflict minerals or timber.

- In February 2020, as part of the Action Plan on Financing Sustainable Growth, the EC published a study on due diligence requirements through the supply chain. The study shows that only one in three EU businesses are currently undertaking HRDD and examines options for regulating due diligence in companies’ own operations and through their supply chains for adverse human rights and environmental impacts.

- In April 2020, the EU Commissioner for Justice, Didier Reynders, committed to a legislative initiative on mHRDD during a webinar organised by the European Parliament’s Responsible Business Conduct Working Group.

- In May 2020, the EU Commissioner for Trade, Phil Hogan, committed to work on the initiative together with Commissioner Reynders during a webinar organised by the OECD.

- In May 2020, the EC adopted the new EU Biodiversity Strategy for 2030, which included an explicit reference to the above-mentioned legislative initiative on mandatory human rights and environmental due diligence as part of the key actions to be taken by the EC within the framework of the objective of “Enabling transformative change”.

- In May 2020, the EC presented its Communication on the post-COVID recovery (Europe’s moment: Repair and Prepare for the Next Generation), which confirms that “to ensure environmental and social interests are fully embedded into business strategies, the EC will put forward a new initiative in 2021 on sustainable corporate governance”.

- In July 2020, the EC published the inception impact assessment of the Sustainable corporate governance initiative, which aims to regulate both corporate due diligence and directors’ duties. This roadmap is open for feedback until 8 October 2020. It is expected that the EC will launch a public consultation on the sustainable corporate governance initiative in September 2020 and present a legislative proposal in 2021.

- In July 2020, the EC published a study on directors’ duties and sustainable corporate governance. The study concludes that if no action is taken to put EU economy and society on a more sustainable path, including by intervening in the area of company law and corporate governance, the EU will not be able to meet its global sustainability commitments.

Council of the EU:

- In May 2016, in the Conclusions on Global Value Chains, the Council called on the EC and EU Member States to enhance the implementation of due diligence in order to achieve a global level playing field.

- In June 2016, in the Conclusions on Business and Human Rights, the Council called on the EC to launch an EU Action Plan on Responsible Business Conduct addressing due diligence and access to remedy, including at EU legislative level, as appropriate. The document endorsed the 2016 Council of Europe Recommendations on Human Rights and Business and called for their implementation.

- In February 2019, in the Conclusions on EU Priorities in UN Human Rights Fora, the Council reiterated the EU’s commitment to implement the UNGPs including through initiatives on HRDD and access to remedy, and assessing a possible related EU Action Plan.
In February 2020, the Conclusions on EU Priorities in UN Human Rights Fora, the Council reiterated the EU’s commitment to continue promoting the implementation of the UNGPs both in its external action and internal policies, including through initiatives on human rights due diligence, access to remedy for victims of corporate abuses, encouraging the adoption of National Action Plans and support to environmental and indigenous human rights defenders.

European Parliament (EP):

The EP has stressed the need for binding HRDD regulation at the EU legislative level in several occasions.

- Several EP reports and resolutions call for binding legislation:
  - In 2016, the Report on corporate liability for serious human rights abuses in third countries asked for urgent binding and enforceable rules in the field of corporate responsibility and due diligence, related sanctions and monitoring mechanisms.
  - In 2017, the Report on EU Flagship Initiative for the garment sector demanded the EC to propose binding supply chains due diligence legislation.
  - In 2017, the Report on Global Value Chains asked the EC to consider proposals for corporate due diligence, taking into account the French duty of vigilance law, and the Green Card initiative.
  - In 2018, the Report on Sustainable Finance called for an EU overarching mandatory due diligence framework including a duty of care based, among others, on the French duty of vigilance law.
  - In 2018, the Report on indigenous peoples stressed the need to hold European multinational corporations and business enterprises accountable for the human rights violations, including by means of human rights due diligence measures.
  - In February 2020, the Resolution on child labour in mines in Madagascar called on the EC and the Member States for the harmonisation and strengthening of import and supply chain controls, including through working towards binding due diligence.
  - In February 2020, the Report on competition policy – annual report 2019 stressed the importance of increased transparency, sustainability and corporate accountability in global value chains, and called on the EU to consider establishing a legal framework for mandatory due diligence in global value chains as a necessary step for achieving this.
  - In April 2020, the Resolution on EU coordinated action to combat the COVID-19 pandemic and its consequences stated that “corporate human rights and environmental due diligence are necessary conditions in order to prevent and mitigate future crises and ensure sustainable value chains”.
  - In September 2020, the Committee on Foreign Affairs (AFET) published a draft report on human rights and democracy in the world and the European Union’s policy on the matter (annual report 2019), which calls for the setting up of an EU mandatory human rights due diligence instrument, including civil and criminal liability for corporate bodies, business leaders and executives, and providing victims with access to justice and remedy.
  - In September 2020, the Committee on Legal Affairs (JURI) published a draft of a legislative own-initiative report on corporate due diligence and corporate accountability. The Committee on International Trade (INTA), the Committee on Foreign Affairs (AFET) and the Committee on Development (DEVE) also submitted their draft opinions on the topic (see INTA draft opinion, AFET draft opinion and DEVE draft opinion).
  - In 2019, a cross-party Working Group on Responsible Business Conduct adopted a Shadow EU Action Plan on Business and Human Rights, which called, among other measures, for the adoption of mandatory HRDD legislation and corporate liability.
In 2019, an EP study requested by the Subcommittee of Human Rights on Access to legal remedies for victims of corporate human rights abuses in third countries analysed obstacles faced by victims of corporate human rights abuses in third countries to access justice. It made several recommendations, including the adoption of mandatory HRDD at the EU level to contribute to address the governance gap and ensure better access to legal remedies for victims.

In 2020, an EP study requested by Subcommittee of Human Rights on Biodiversity as a Human Right and its Implications for the EU’s External Action analysed the inter-dependencies of human rights, climate change and biodiversity, and recommended the EU to “develop a holistic human rights-based approach to biodiversity loss by: making such reference, for instance, in the context of initiatives on human rights due diligence”.

In June 2020, two briefings requested by the Subcommittee of Human Rights on Human Rights Due Diligence Legislation - Options for the EU offered concrete recommendations for future EU corporate due diligence legislation. The first briefing addressed substantive elements, such as the type and scope of human rights violations to be covered, as well as the type of companies that could be subject to a future EU regulation. The second briefing discussed options for monitoring and enforcement of due diligence obligations, as well as different ways to ensure access to justice for victims of human rights abuses.

European Economic and Social Committee (EESC):

In December 2019, the EESC adopted an own-initiative opinion on the Binding UN treaty on business and human rights, recommending that national action plans shall be drawn up to implement human rights due diligence, that there shall also be a European action plan, and that there must be clarification regarding the interplay between due diligence and liability, including clear and practical provisions to make sure that due diligence incorporates ongoing monitoring in supply chains, along with respective liability, should that fail.

In September 2020, the EESC adopted a draft opinion on Sustainable supply chains and decent work in international trade, at the request of the German presidency, welcoming the EC’s decision to propose due diligence legislation and calling for a binding cross-sectoral legislative initiative on human rights due diligence and responsible business conduct, in line with the commitment by Commissioner Reynders.

In September 2020, the EESC adopted a draft opinion on Mandatory Due Diligence, at the request of the EP Legal Affairs Committee, calling on the EC to propose cross-sectoral legislation on mandatory due diligence, including a specific liability framework resulting in effective remedies for people who are affected by misconduct, criminal liability, and dissuasive sanctions.

Fundamental Rights Agency (FRA):

In April 2017, the FRA published its Opinion on improving access to remedy in the area of business and human rights. After revising the key obstacles faced by victims of corporate-related human rights abuses to obtain proper remedy, the document recommended the establishment of due diligence obligations, including for parent companies linked to human rights performance in subsidiaries or supply chains (FRA Opinion 21).

Council of Europe (CoE):

In 2016, the CoE’s Committee of Ministers published a Recommendation on Human Rights and Business, which included measures to secure victims of business-related human rights abuses access to court and proper remedies, wherever the defendant company is based. It recommended legal measures, including mandatory HRDD, for certain circumstances.
E) UNITED NATIONS (UN) BODIES AND OTHER INTERNATIONAL ORGANISATIONS

UN High Commissioner for Human Rights (OHCHR):

− In 2016, the OHCHR presented its report on improving accountability and remedy for victims of business-related human rights abuses. It recommended legal reforms addressing the challenges of global supply chains. Among other measures, this included ensuring that the principles for assessing corporate liability under domestic law regimes are properly aligned with the companies’ responsibility to exercise HRDD.

− In 2018, in a more recent report, the OHCHR recognized that HRDD legislation can provide companies with legal certainty and a level playing field. It also stated that corporate liability can be an incentive to greater levels of HRDD.

UN Committee on Economic, Social and Cultural Rights (CESCR):

− In 2017, the CESCR’s General Comment No. 24 concerning states’ obligations in the context of business activities affirmed that states have the duty to establish general human rights due diligence obligations for companies, and to remove barriers to access to remedies, including by establishing corporate liability regimes, among others.

UN Committee on the Rights of the Child:

− In 2013, the body’s General Comment No. 16 concerning states’ obligations regarding the impact of the business sector in children’s rights affirmed that, in order to meet their obligation to ensure that business enterprises respect children’s rights, states should require business to undertake due diligence.

UN Working Group on BHR:

− In 2018, in its Report to the UN General Assembly, the Working Group recommended States “the use of legislation to create incentives to exercise due diligence, including through mandatory requirements”. The report welcomed the adoption of the French duty of vigilance law as “a development that other Governments should learn from.”

UN Open-Ended Intergovernmental Working Group (OEIGWG) on Transnational Corporations and Other Business Enterprises with respect to Human Rights:

− In July 2018, the OEIGWG published the Zero Draft for an International UN Legally Binding Treaty. The document establishes that states shall legislate on the field of mandatory HRDD and ensure corporate liability for human rights violations.

− In July 2019, the OEIGWG published a revised draft of the proposed Binding Treaty, with relevant changes and improvements. The revised draft covers not just transnational companies but all business enterprises, is better aligned on prevention and due diligence with the UNGPs, and proposes a comprehensive article on legal liability of business enterprises.

− In August 2020, the OEIGWG released the second revised draft of the proposed Binding Treaty on business and human rights.

Organisation for Economic Co-operation and Development (OECD):

− In April 2016, its report on the implementation of the Recommendation on Due Diligence Guidance for Responsible Supply Chains of Conflict Minerals recognized that regulatory measures had provided the strongest impetus to promote responsible conduct from business.
F) SUPPORT FROM THE BUSINESS COMMUNITY

At country level:

- **Finland:**
  - Over 140 companies joined the campaign launched on 24 September 2018, together with civil society organisations and trade unions, calling for mandatory HRDD legislation.\(^6^7\) Other 20 companies and NGOs have publicly supported the call.

- **Germany:**
  - 65 companies from or with business in Germany, including Hapag-Lloyd, KiK, Nestlé, Primark or Symrise, and two investor groups supported a supply chain due diligence law in Germany that paves the way for ambitious regulation at the European level\(^6^8\) (December 2019).

- **Netherlands:**
  - Dutch companies (including multinationals like Nestlé, Heineken or G-Star) signed an open letter in support of the Dutch Child Due Diligence Bill (2017).\(^6^9\)
  - The Dutch business network MVO Nederland, representing over 2,000 companies, called upon the Dutch government to implement mandatory HRDD legislation\(^7^0\) (April 2020).
  - 50 Dutch companies, including IKEA or Nestlé, sent a joint letter to the Minister for Foreign Trade and Development Cooperation calling for support for a legal framework for due diligence that moves from children’s rights to human rights, that is tighter and properly enforced (June 2020).

- **Switzerland:**
  - GEM (Groupement des Entreprises Multinationales), representing 90 large multi-national companies, supported a Swiss legislative proposal establishing mandatory HRDD and corporate liability (2017-8).\(^7^1\) Additional business people joined forces with legal experts and former MPs in a support committee for this legislative proposal. The committee’s website also features a supportive statement by Prof. John Ruggie.\(^7^2\)
  - A group of 27 global institutional investors published a statement, urging the members of the upper house of the Swiss parliament to back the introduction of mandatory HRDD by supporting the counter-proposal to the Responsible Business Initiative as approved by a large majority of the lower house in June 2019 (December 2019).
  - CCIG (Chambre de commerce, d’industrie et des services de Genève), representing over 2,400 companies; FER (Fédération des Entreprises Romandes Genève); SWICO, representing 600 companies in the ICT sector; FIAL (Fédération des Industries Alimentaires Suisses), an umbrella association of 12 food industry associations; Handel Schweiz (Swiss Trade), an umbrella association of 33 trade associations with 4,000 member companies; IG Detailhandel Schweiz, including three major Swiss retailers (Coop, Migros, Denner); Swiss Retail federation, representing 38 retail companies; and Swiss Textiles, representing 200 textile companies; expressed their support for the National Council’s counter-proposal (May 2020).\(^7^4\)

- **United Kingdom:**
  - In a submission to the UK Government concerning the Modern Slavery Act, IKEA declared that it would support appropriate due diligence requirements as described in the UNGPs (2014).\(^7^5\)
At European level:

- **H&M Group** recognized, according to a [Shift report](#), the urgent need for alignment, at EU level, of the various mandatory measures that can help crystallize the expectations on human rights due diligence into laws (2019).

- **65 companies** from or with business in Germany, including Hapag-Lloyd, KiK, Nestlé, Primark or Symrise, and two investor groups supported a supply chain due diligence law in Germany that paves the way for ambitious regulation at the European level (December 2019, ongoing).

- **Barry Callebaut AG, Mars Wrigley and Mondelēz International**, three of the world’s largest cocoa companies, called on the EU, together with Fairtrade, Rainforest Alliance and VOICE, to strengthen human rights and environmental due diligence requirements of companies in global cocoa supply chain (December 2019).

- **The European Cocoa Association**, representing 27 companies in the cocoa sector, supported an EU Due Diligence Regulation for all companies placing cocoa and cocoa derived products on the EU market (December 2019).

- **Ferrero** expressed its belief that due diligence is key to ensuring the respect of human rights within their own operations and along the supply chain. In line with this belief, it has confirmed its support for an EU due diligence regulatory framework (January 2020).

- **Amfori**, a global business association representing over 2,400 importers, retailers and brand manufacturers from over 40 countries, supported an EU-wide robust, coherent and predictable framework requiring companies that operate in the EU to carry out HRDD, and the establishment of a proper monitoring and enforcement mechanism (February 2020).

- **FoodDrinkEurope**, representing Europe’s food and drink industry, in its response to the public consultation on the EC proposal for a regulation on deforestation and forest degradation, declared its support for establishment of a harmonised framework on due diligence at EU level (March 2020).

- **Nestlé**, in its response to the public consultation on the EC proposal for a regulation on deforestation and forest degradation, declared its support for EU-wide regulation on mandatory human rights and environmental due diligence in line with the UNGPs (March 2020).

- **Ericsson**, at a hearing of the EP Subcommittee of Human Rights, expressed its support for mandatory due diligence legislation, which “should focus on ensuring transparent business practices through effective liability provisions”, provisions that need to “both ensure effective deterrent for companies but also adequate remedy for impacted stakeholders” (September 2020).

- **26 companies, business associations and initiatives**, including Adidas, Aldi, Inditex, Mars or Unilever, made a joint call for EU cross-sectoral mandatory due diligence legislation, which should “clarify legal consequences for when responsibilities are not met” (September 2020, ongoing).

At global level:

- **Senior corporate executives** ranked “make human rights due diligence a legal requirement” in the top 3 out of 10 measures to enable companies to fulfil their responsibility to respect human rights, in a global survey by the Economist (2015).

- A group of 105 international investors representing US$5 trillion in assets under management, coordinated by the [Investor Alliance for Human Rights](#), published a statement on “The Investor Case for Mandatory Human Rights Due Diligence” (April 2020), calling on all governments to develop, implement, and enforce mandatory HRDD requirements for companies or, where appropriate, to further strengthen these regulatory regimes where they already exist.
1 Business and Human Rights Resource Centre, ‘Austrian MPs table draft bill on social responsibility in the garment sector’ (16 July 2018).
2 Sozialverantwortungsgesetz – SZVG (579/A).
4 LOI n° 2017-399 du 27 mars 2017 relative au devoir de vigilance des sociétés mères et des entreprises donneuses d’ordre (French). [See FAQs by ECCJ] [more information at BHRinLaw.org]
5 'Stratégie nationale de lutte contre la déforestation importée, 2018-2030', adopted by the Ministry of Ecological Transition and Solidarity (November 2018).
6 Evaluation de la mise en œuvre de la loi n° 2017-399 du 27 mars 2017 relative au devoir de vigilance des sociétés mères et des entreprises donneuses d’ordre.
7 Business and Human Rights Resource Centre, ‘German Development Ministry drafts law on mandatory human rights due diligence’.
10 Norwegian Ethics Information Committee.
11 Report from the Ethics Information Committee (28 November 2019). See page 5 (Act relating to transparency regarding supply chains, the duty to know and due diligence).
12 Norway Today, ‘Norwegian law against modern slavery on the docket’ (12 January 2020).
14 ECCJ, ‘Another step towards the adoption of a HRDD bill in Switzerland’ (July 2018). [more information at BHRinLaw.org]
16 See Conseil national | Session de printemps 2020 | Huitième séance | 11.03.20 | 08h00.
17 Responsible Business Initiative, Text and explanations. [more information at BHRinLaw.org]
18 ECCJ, ‘The compromise on a counter-proposal to the Swiss Responsible Business Initiative sinks in the Council of State’ (13 March 2019).
19 SCCJ, Stages of the Responsible Business Initiative in Parliament.
21 See the text of the amendment on page 33 of this document.
26 ChristenUnie, ‘ChristenUnie roept op tot wettelijke ondergrens voor verantwoord ondernemen’ (3 March 2020). [See attachment.]
27 Evaluatie en vernieuwing IMVO-beleid (Dutch).
30 ECCJ, ‘Members of eight Member States Parliaments support duty of care legislation for EU corporations’ (31 May 2018).

Study on due diligence requirements through the supply chain (24 February 2020).

ECCJ, Commissioner Reynders announces EU corporate due diligence legislation (30 April 2020).

ECCJ tweet, 19 May 2020.

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on EU Biodiversity Strategy for 2030 - Bringing nature back into our lives (20 May 2020).

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Europe’s moment: Repair and Prepare for the Next Generation (27 May 2020).

Council Conclusions on the EU and Responsible Global Value Chains (12 May 2016).

Council Conclusions on Business and Human Rights (20 June 2016).

Council Conclusions on EU Priorities in UN Human Rights Fora in 2017 (18 February 2019).

Council Conclusions on EU Priorities in UN Human Rights Fora in 2020 (17 February 2020).


Shadow EU Action Plan on Business and Human Rights, on the website of the RBC WG, March 2019.

Access to legal remedies for victims of corporate human rights abuses in third countries, study requested by the DROI committee (February 2019).

‘Biodiversity as a Human Right and its Implications for the EU’s External Action’, study requested by the DROI committee (April 2020).


FRA Opinion - 1/2017, ‘Improving access to remedy in the area of business and human rights at the EU level’ (10 April 2017). [more information at BHRInLaw.org]


Committee on the Rights of the Child, General comment No. 16 (2013) on State obligations regarding the impact of the business sector on children’s rights (UN Doc. CRC/C/GC/16) (17 April 2013).


OEIGWG on Transnational Corporations and Other Business Enterprises with respect to Human Rights, Revised Draft Binding Instrument (July 2019).


OECD, ‘Report on the implementation of the recommendation on due diligence guidance for responsible supply chains of minerals from conflict-affected and high risk areas’ [c/min(2011)12/final] (28 April 2016).

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