

# Human Rights Impact of Business Activities of Private Entities

## ABSTRACT AND KEY WORDS

### **Abstract:**

The thesis focuses on human rights impact of business activities of private entities. Within the UN context, it is the concept of “business and human rights” which addresses the issue. The thesis aims at depicting the current international legal framework relating to impact of business activities on human rights.

The thesis examines the benefits of the UN Guiding Principles on Business and Human Rights, the authoritative framework and the global standard of practice for preventing and addressing the risk of adverse impact of business activities on human rights. While the Guiding Principles do not constitute a legally binding document, they build on existing standards and include elements covered in international and domestic law. The three-pillar framework consists of the State duty to protect human rights, the corporate responsibility to respect human rights, the access to remedy for victims of business-related abuse. Almost seven years after their adoption, there are numerous examples of how these Guiding Principles have been integrated into the Governments’ national action plans, policies and regulations, policies of international and regional organisations. The thesis describes few examples of national action plans and legislative measures adopted by States and finds that more has to be done to implement existing obligations to prevent abuses and ensure access to remedy.

The thesis further examines the efforts to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises. Scepticism exists whether such an instrument could provide an effective response to the corporate abuses of human rights. The European Union has developed a rich *acquis* regarding business and human rights which could possibly serve as an inspiration for some of the issues that the instrument may address. However, several elements of the draft legally binding instrument which are subject to current difficult negotiations are problematic as they contain provisions opposed by many: on corporate

legal liability established under international law, on extraterritorial jurisdiction for harm to any internationally recognized human right, on a hierarchy of international legal norms.

The two approaches to business-related human rights abuses examined in the thesis do not necessarily contradict each other. The UN Guiding Principles provide a solid and practical foundation and do not exclude any further development, including on international level. For the future, it would be highly desirable to ensure complementarity of both the approaches as there is no inherent competition between the UN Guiding Principles and an international legal instrument.

**Key words:** business and human rights, UN Guiding Principles on Business and Human Rights, national action plan, international legally binding instrument