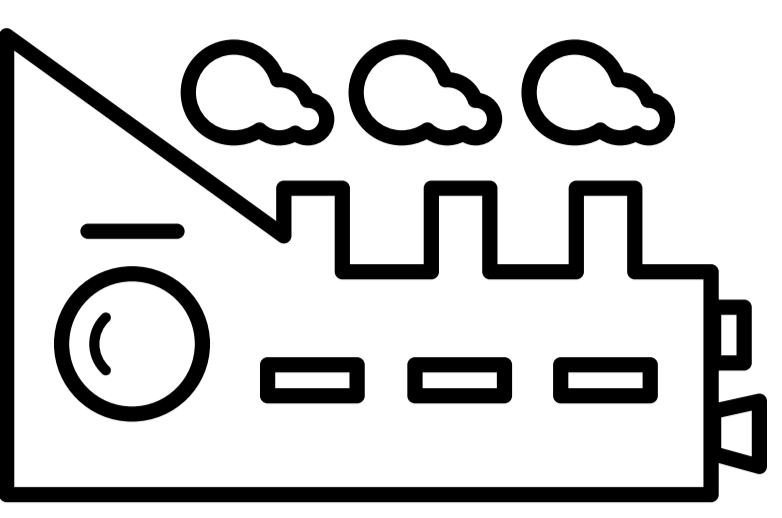


Responsibility of Business to Respect Human Rights



Why? Even though businesses significantly contribute to economic development, their activities can have a negative impact on human rights.



Examples of negative impacts of business activities on human rights include forcible evictions, environmental pollution, lack of minimum wage, destruction of indigenous people's livelihood, failure to provide health and safety for the workers, use of force against protesters, etc...



How? Businesses should respect both local laws and regulations, and also international rules and standards, in order to avoid having a negative impact on human rights.



What? The United Nation Guiding Principles, although non-binding, constitute the authoritative standard of conduct for corporations, insofar as respect for human rights is concerned. They aim to provide a foundation on which good practices can be build. Principles 11 to 24 outline key principles for the companies to respect human rights, in two ways: by avoiding causing or contributing to negative human rights impacts, and by preventing or mitigating existing human rights impacts directly linked to their operations. Furthermore, principles 29 to 31, provide guidance on companies on how to provide remedies in case of a violation.



Who? All businesses, irrespective of their size or ownership, whether they are national, international or multinational companies, joint-ventures or subsidiaries, including those of state-owned companies, should respect human rights and take concrete steps to avoid negatively impacting them.

Key ways for business to meet its responsibility to respect human rights:

- Express a commitment to respect human rights through a statement of policy-UNGPs 15 (a), UNGPs 16
- To adopt specific policy mechanisms which enable prompt identification of potentially adverse human rights impacts concerning particularly at-risk group, e.g. indigenous people (UNGP 12);
- Create a due diligence procedure where abuses can be identified early and remedied (UNGP 17);
- Ensure human rights practices are transparent and communicated externally, UNGPs 21
- Adopt processes to enable the effective remediation of potential adverse human rights impacts, UNGPs 15 (c), 26
- To allocate sufficient resources for the provision of adequate compensation if abuse occur, UNGPs 20
- To seek advice from external experts on minimizing human rights abuses and set up appropriate dialogue mechanisms to enable constant engagement with at-risk groups (UNGP 18).



Relevant Cambodian Law & International Law:

- The Constitution of the Kingdom of Cambodia: binds business operating in Cambodia and incorporates the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic Social and Cultural Rights directly into Cambodian law through its article 31.
- The land law: determines the regime of ownership for immovable properties in the Kingdom of Cambodia for the purpose of guaranteeing the rights of ownership and those related to immovable property.
- The labor law: governs relations between employers and workers resulting from employment contracts to be performed within the territory of the Kingdom of Cambodia, sets a minimum wage that must be compatible with "human dignity".
- International Labour Organization's conventions ratified by Cambodia: set out basic principles and rights at work, including key human rights principles relevant to business enterprises
- UNGPs: although non-binding, they constitute the authoritative standard of conduct for corporations regarding human rights
- The Organization for Economic Co-operation and Development 2011 guidelines for multinational Enterprises: provide non-binding principles and standards for responsible business conduct in a global context
- OECD-Food and Agricultural Organization Guidance for Responsible Agricultural supply chains: helps enterprises observe standards of responsible business conduct to ensure that their operations do not lead to adverse impacts
- 2012 Voluntary Guidance on the Responsible Governance of Tenure: set out principles and internationally accepted standards for practices for the responsible governance of tenure, with a goal of supporting the progressive realization of the rights to adequate food in the context of national food security.

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