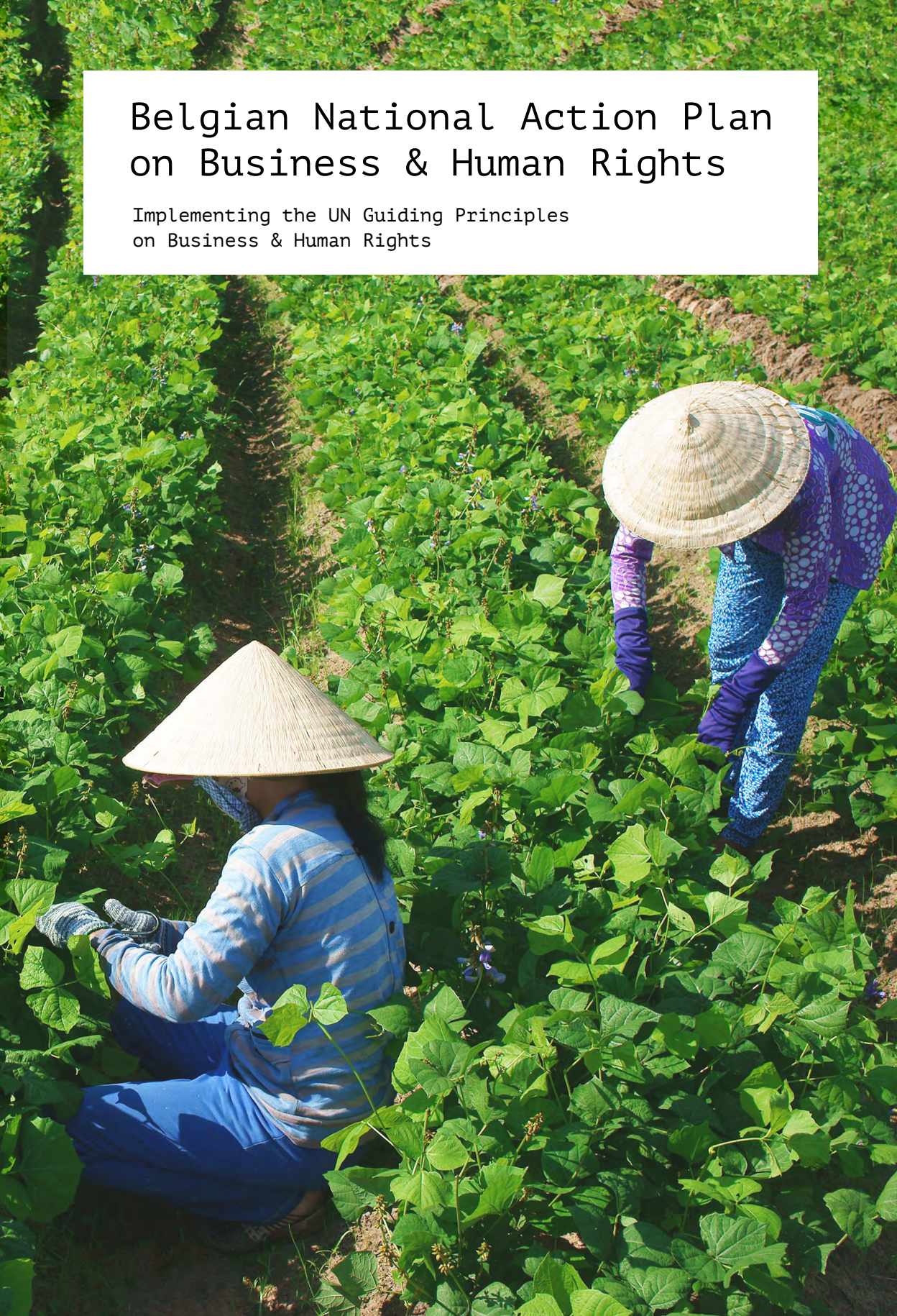


Belgian National Action Plan on Business & Human Rights

Implementing the UN Guiding Principles
on Business & Human Rights



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Introductory remarks

We are living in an age of increased international mobility, where people choose to explore other horizons and settle down in new countries. Thanks to its central location in Europe at the crossroads between the Latin and Germanic worlds, its multilingualism and its open society, Belgium is home to people of all nationalities. At the same time, Belgian companies are increasingly interconnected with the rest of the world, be it by the life itineraries of their employees, the origin or destination of their products, their commercial partnerships or the location of their operations.

Globalization presents extraordinary opportunities for an open economy. It entails that our companies go beyond being economic players. They also need to become social actors in countries where they are active. Committed to the universal principles of human rights and the Agenda 2030 for Sustainable Development, Belgium wishes to assist its public and private companies, to take up these considerations in a structured and comprehensive manner across their operations in Belgium and abroad.

If it is to be efficient, this work must be done in a concerted way, in cooperation with business and civil society, NGOs and unions. It is in this spirit that Belgium lent its support to the resolution of the Human Rights Council adopting the UN Guiding Principles on Business and Human Rights (UNGPs) in 2011. These were the result of many years of consultation with all the stakeholders (business, NGOs, unions) who fully endorse the Guidelines. It is in this spirit that we

committed to adopt a National Action Plan (NAP) implementing these Guiding Principles.

This first NAP is the result of extensive consultations between federal administrations, but also with federated entities and all relevant stakeholders. We hereby wish to extend our thanks to the different persons and organizations involved for their contribution to this action plan, which constitutes an important step towards the implementation of Belgium's international commitments in the field of Business & Human Rights.



Didier Reynders
Deputy Prime Minister
Minister of Foreign Affairs
and European Affairs



Marie-Christine Marghem
Minister of Energy,
Environment and
Sustainable Development

Context

After the unanimous adoption of the “Guiding Principles on Business and Human Rights” by the UN Human Rights Council in June 2011, the Federal government together with the Flemish, Walloon and Brussels Regional governments decided to develop a National Action Plan to implement these standards.

This plan represents an opportunity for Belgium to reaffirm the commitments that were made in other fora, such as the Organisation for Economic Co-operation and Development (OECD) Guidelines on Multinational Enterprises (revised in 2011) and a series of commitments made at International Labour Organisation (ILO) level.

In addition, the National Action Plan contributes to Belgium's efforts to fulfil the 2030 Agenda for Sustainable Development, in particular goal 8, to “Promote sustained inclusive and sustainable economic growth, full and productive employment and decent work for all” and goal 12, to “Ensure sustainable consumption and production patterns”.

Belgium reiterated its leadership on this matter in the Michel I Government Agreement:

“A first “Business and Human Rights” National Action Plan will be drawn up in cooperation with the competent departments and entities”.

At a regional level, the 2014-2019 Flemish Government Agreement stipulates that Flanders has an active human rights policy. In its 2017-2019 Regional Policy

Declaration, the Walloon government committed to promote “international trade respectful of human development”. The 2014-2019 Brussels Government Agreement includes clauses related to human rights and the ILO fundamental labour standards (including freedom of association). It also identifies gender equality as a challenge for democracy and our country's economy.

Through this National Action Plan (NAP), the competent Belgian Federal and Federated authorities intend to fulfil their commitments in terms of “Business and Human Rights” by introducing human rights into the framework of socially responsible entrepreneurship and Sustainable Development. The authorities will do so by actively supporting socially responsible entrepreneurship in general, and lending their cooperation to Belgian companies that have high ambitions in this area or that want to seriously address this issue in their operations.

This NAP aims at providing a platform highlighting good practices by sectors and companies in this area, creating more opportunities to work together and providing a better response to the complex challenges in the field of Business & Human Rights.

The NAP will be careful not to increase the administrative burden for companies and organisations¹ and will ensure that the actions contribute to a “level playing field” both within Europe and internationally.

Furthermore, this NAP will mainstream the gender perspective across all its actions. The “disability” dimension will also be included in the implementation of the policies set out in this plan.

Many actions included in the Business and Human Rights NAP are not limited solely to human rights but also to broader aspects of social responsibility. For companies and organisations, the attention given to human rights is often part of their approach to sustainable and socially responsible entrepreneurship. The first consultation with stakeholders to develop this Action Plan revealed a clear

preference for merging two exercises (the Corporate Social Responsibility Action Plan and the Business and Human Rights NAP) rather than have two different Action Plans. The competent federal and regional administrations therefore decided to draft this Action Plan combining the obligation to develop a Business and Human Rights Action Plan as well as the European requirement to create and renew the Action Plans for responsible business conduct. Respect for, and promotion of, human rights forms thus an integral part of the principle of social responsibility, which can take many forms.

¹ In the NAP, the term “organisations” refers to associations in law or de facto associations, NGOs, non-profit associations or other organisations that are involved in activities that make the consideration of such organisations relevant for this NAP.

The entire text of the National Action plan, with full description of the actions, is available on following links:

FR https://www.sdgs.be/sites/default/files/publication/attachments/plan_daction_national_entrepises_et_droits_de_lhomme_2017.compressed.pdf

NL https://www.sdgs.be/sites/default/files/publication/attachments/nationaal_actieplan_ondernemingen_en_mensenrechten_2017.compressed.pdf

EN https://www.sdgs.be/sites/default/files/publication/attachments/20171109_nap_bhr_en_clean_2_002_0.pdf



1. International context of Business and Human Rights

Companies' respect for human rights has long been discussed in many national and international fora. **Within the United Nations**, a consensus on this issue gradually emerged. The process started in 1973 with the creation of the Commission on Transnational Corporations. In 1998, a working group on transnational corporations was created through the Sub-Commission on the Promotion and Protection of Human Rights.

In 2005, the United Nations Secretary General, Kofi Annan appointed Prof. John Ruggie as the Special Representative on Business and Human Rights, which led to a major breakthrough. Responsible for proposing measures to strengthen the respect for human rights in business, Professor Ruggie started a research programme and a consultation process which resulted in the creation of the "Protect, Respect and Remedy" reference framework. This conceptual framework is used to address the issue of Business and Human Rights in a unique way, based on three pillars:

1. The state's duty to **protect** against human rights abuses by third parties, including business enterprises
2. The corporate responsibility to **respect** human rights
3. The need for greater access by victims of human rights abuses to effective **remedy**

This reference framework was then translated into **31 Guiding Principles on Business and Human Rights** (UN Guiding Principles, UNGP) unanimously adopted on 17 June 2011 by the United Nations Human Rights Council, a milestone for the protection of human rights and the development of the concept of Responsible Business Conduct (RBC).

The **Guiding Principles** refer explicitly to the United Nations International Bill of Human Rights and the ILO Declaration on Fundamental Principles and Rights at Work and aim to clarify the consequences of existing standards and practices to countries and companies and set these in a single, logical and coherent framework. Although these principles are not legally binding, UN Member States are encouraged to include them in their legislation, policies and practices, taking into account national realities and requirements.

In June 2011, the Human Rights Council also created a Working Group on "Human Rights and Transnational Corporations and Other Business Enterprises", to promote the Guiding Principles and support, monitor and assess their implementation. The working group is also responsible for the organisation of the annual Forum on Business and Human Rights, an international platform which, reviews

the challenges at hand and the best way forward to implement the UNGP. The idea to develop NAPs arose from the Annual Forum.

The exchange of ideas initiated by the United Nations in the 1970s eventually resulted in a series of initiatives in other multilateral organisations.

The **OECD Guidelines** exist since 1976 and are recommendations to promote Responsible Business Conduct in the areas of industrial relations, human rights, the environment, taxation, information publication, the fight against corruption, consumer interests, science and technology and competition. The Guidelines were updated for the fifth time in 2011, because member governments wanted to ensure that the Guidelines remain an essential tool in promoting Responsible Business Conduct in the changing landscape of the global economy. As a result of this latest revision, a chapter on human rights was added.

The Guidelines are supported by 46 worldwide **National Contact Points**. In Belgium, this unique implementation mechanism was created in 1980. The Belgian NCP is accommodated within the FPS Economy and has a tripartite structure comprised of various federal and regional authorities, employer organisations (FEB/VBO, Comeos and Agoria) and cross-industry trade union organisations (CSC/ACV, FGTB/ACOD and CGSLB/ACLVB). The Belgian NCP has two important functions: its first function is to raise awareness of the Guidelines and to promote compliance by distributing

information and offering impartial dispute resolution between parties. Its second function is to encourage dialogue, conciliation and mediation in the event of non-compliance with the Guidelines by a Belgian company operating in Belgium or abroad.

In 1977, the **International Labour Organisation** (ILO) approved the Tripartite declaration of principles concerning multinational enterprises and social policy. The main objective of this declaration, revised in 2017, is to encourage the positive contributions to economic and social progress made by MNEs and to minimise and resolve the difficulties to which their various operations may give rise.

International organisations such as the ILO and OECD have also developed a series of tools to support companies that aim to achieve positive action in terms of human rights. For example, the ILO created a Helpdesk (a free and confidential assistance service) for companies that want to bring their commercial operations in line with international labour standards.

The ISO 26000 on social responsibility of organisations, which were published in 2010, are a set of standards that address a broad spectre of human rights.

Another relevant initiative at United Nations level is the UN Global Compact (UNGC), launched by Kofi Annan when he was UN Secretary General.

The 'UN Global Compact Network Belgium' brings together Belgian companies involved in the UNGC. It has created

an alliance created an alliance with the sustainability network 'The Shift' in January 2016. This results in shared services for members in terms of activities, projects and campaigning on the SDGs. There are similar networks in over one hundred countries worldwide. Contacts with these networks may be of great interest to Belgian companies that wishing to expand their activities abroad with respect for sustainable development in general and human rights in particular. Local UNGC networks can also be interesting contact points for Belgium's representations abroad (embassies, general consulates).

In the European Union, various initiatives have also emerged. Firstly, in 2011, the European Commission approved a new communication on Corporate Social Responsibility (CSR). In 2012, the European Council approved a Strategic framework on human rights and democracy. This was accompanied by an Action Plan which stipulates that National Action Plans need to be developed to implement the UN Guiding Principles. The Strategic Framework and Action Plan for the 2015-2019 period, adopted at the Foreign Affairs Council in July 2015 provides for a series of actions in this area and reiterates the commitment of member states to develop Action Plans. In April 2014, the Directive 2014/95/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups (amending Directive 2013/34/EU), This directive, which obliges large companies to publish policy implementation reports related to the respect for human rights, has also strengthened member states in their adoption of such Action Plans.



2. How was this Action Plan developed?

The actions included in this National Action Plan put together by the **Social Responsibility Working Group of the Interdepartmental Commission for Sustainable Development** (ICSD) which is comprised of representatives from federal administrations and regional entities.

At the federal level, the first stage of the Action Plan was launched by the Working Group in late 2013. In April 2014, the ICSD Social Responsibility Working Group organised an **initial stakeholder consultation** which involved 51 civil society organisations, contacted by means of a questionnaire.²

In addition to the stakeholders' contribution, the Action Plan is also based on a baseline study or "**mapping**" which aims at evaluating to what degree the 31 United Nations Guiding Principles on Business and Human Rights are currently being implemented at federal level and in the regions.³ This detailed analysis, submitted to an academic panel coordinated by Professor Olivier De Schutter, appears in the appendix to this Action Plan.

The federal contribution to the Action Plan is based on **National Action Plans** developed by other EU member states, such as the Netherlands, the United Kingdom, Denmark and Finland.

The results of the stakeholders' survey together with the "mapping" results and the contribution from the members of the Social Responsibility Working Group led to the federal contribution for the Business and Human Rights National Action Plan. The contributions of Flanders, Wallonia and the Brussels-Capital Region were subsequently added to this contribution to create Belgium's National Action Plan.

During the second round of stakeholder consultations (November-December 2015) comments and recommendations were made based on a preliminary draft National Action Plan. The various civil society organisations involved in the first consultation phase had the opportunity to send their reactions in writing. In addition, a face-to-face consultation was organised between members of the ICSD Working Group (which was responsible for the creation of the preliminary draft NAP) and various stakeholder groups (NGOs and other organisations, unions and businesses).

² More information on this first phase on <http://www.rs.belgium.be/fr>

³ See also Chapter 5: Belgian framework for Business and Human Rights

Finally, different **advisory bodies** were asked to submit their views on the preliminary draft NAP. At the federal level, this included the Federal Council for Sustainable Development, the National Labour Council, the Central Economic Council and the Advisory Council on Policy Coherence for Development, the High Council of the Self-Employed and SMEs and the Consumer Council. In Wallonia, the Economic and Social Council of Wallonia submitted an opinion of this preliminary draft plan, as did the Economic and Social Committee of the Brussels-Capital Region. In Flanders, the Economic and Social Council of Flanders elected not to give an opinion but to align itself with the opinions of the Federal Councils.

The various comments and recommendations from this second consultation phase were then incorporated into the draft “Business and Human Rights” NAP by the ICSD Working Group. In this respect, the content of the opinions from the advisory bodies were processed and incorporated as a priority, given the consensus sought among the different stakeholders within these advisory councils.





3. Scope of the Action Plan

This Action Plan aims to encourage Belgian companies (operating in Belgium and abroad) and international businesses operating in Belgium to respect and promote human rights, both within their own company and in their sphere of influence.

The Belgian federal and regional authorities take on their duty to promote and defend human rights and align this work with their legal framework and policies. This Action Plan focuses on the first and third pillars of the UN Guiding Principles on Business and Human Rights, namely the State's duty to protect persons when third parties, abuse human rights and the need to ensure that victims of human rights abuses have access to effective remedies.

The second pillar, which relates to corporate responsibility in terms of respect for human rights, is of paramount importance for implementing the United Nations Guiding Principles. Given that this second pillar focuses exclusively on the initiatives of companies themselves, the National Action Plan does not deal with this issue in more depth. Through this National Action Plan, Belgium wants to encourage and invite companies to initiate and pursue an ambitious and coherent implementation of the second pillar.

Not only companies, but all organisations have a responsibility to respect human rights and to assume their social responsibility. Certain actions in this Action Plan are therefore intended for both companies and organisations (including public services).

4. Belgian framework for Business and Human Rights

Belgium has a particularly broad framework for the protection of human rights. On the one hand, the Belgian **Constitution**, in its Title II “Belgians and their rights”, recognises a large number of basic civil, political, economic, social and cultural rights. On the other hand, our country has also adopted/ratified most of the **international instruments on human rights** such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, many international labour conventions including the International Labour Organisation (ILO) Fundamental Conventions and the European Convention on Human Rights. The Belgian state was one of the first to subscribe to the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises. In 2000, Belgium also ratified the Rome Statute creating the International Criminal Court.

Belgium makes continuous efforts to guarantee a high level of respect for these rights and plays an active role in developing international standards to protect and promote human rights. Our country has also recognised all the **individual complaint procedures** set up by all the **UN treaties** that it has ratified.

While the rights associated with these conventions are generally only enforceable against the State and are not applied horizontally to non-State actors, including companies, the fact remains that companies are subject to the provisions of national law that implement the conventions.

It should be noted here that Belgium does not yet have a national human rights mechanism (in this case, a national human rights institution) based on the Paris Principles. In accordance with our international commitments and the Federal government agreement of 9 October 2014, the competent authorities will continue to work on developing such a national human rights mechanism between now and the end of the current government's term of office.

5. Monitoring the Action Plan

The Action Plan's implementation will be assessed annually within the Interdepartmental Commission for Sustainable Development (ICSD) Social Responsibility Working Group. A progress report will be written based on this assessment and published on the website <http://www.rs.belgium.be>.

This report will also be included in the appendices of the ICSD annual report sent to the government, parliament and the Federal Council for Sustainable Development.

The report will be sent, for information, to the various Advisory Councils that have been involved in the consultation phase of the National Action Plan.

























An assessment of the NAP and its implementation, together with the stakeholders, is foreseen within 3 years of the government's approval of the Action Plan. As a result of this assessment, a decision can be made to modify or update the Action Plan.




















6. Agreed actions


















1. Develop a human rights toolkit for companies and organisations
2. Develop a brochure on the remedy mechanisms at government level
3. Formulate recommendations to improve access to remedy mechanisms
4. Promote existing qualitative initiatives relating to human rights and corporate social responsibility
5. Distribute the toolkit and the brochure on remedy mechanisms among Belgian representatives abroad and raise their awareness about the issue
6. Belgian SDG Charter on the role of the private sector, civil society and the public sector in international development
7. Raise companies' awareness on human rights issues during economic missions abroad
8. Encourage international framework agreements
9. Strengthen the cooperation between the public services and the various organisations active in the field of human rights and international entrepreneurship
10. Incorporate human rights and Corporate Social Responsibility criteria into the Belgian development cooperation strategy in support of the development of the local private sector
11. Improve coordination between the Federal and regional authorities to integrate human rights and CSR criteria into state aid policy
12. Continue Belgium's commitment and its pioneering role in terms of international human rights
13. Strengthen and monitor the respect for human rights in public procurement
14. Evaluate the Belgian label designed to promote socially responsible production
15. Incorporate the principle of "due diligence" within corporate management bodies, also in terms of human rights
16. Promote social relations, including human rights
17. Advocate a stronger integration of 'Sustainable Development' (including human rights) into free trade agreements

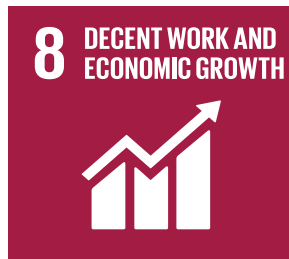
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| <p>18. Monitor the development of CSR and human rights in Belgian companies using the CSR barometer</p> <p>19. Promote good practices of SMEs that adopt responsible supply chain management, especially using the “CSR Compass” tool</p> <p>20. Promote socially responsible public companies</p> <p>21. Provide better information to the general public and relevant organisations in Belgium with regard to the Belgian government’s activities in terms of human rights, in order to raise awareness of this issue</p> <p>22. Encourage responsible supply chain management using a sectoral approach</p> <p>23. Strengthen the OECD National Contact Point (NCP)</p> <p>24. Pay particular attention to children's rights when raising awareness among companies</p> <p>25. Pay particular attention to the ratification, support and promotion of a series of ILO conventions addressing women's rights</p> | <p>26. Pay particular attention to the ratification, support and promotion of a series of ILO conventions covering health and safety at work</p> <p>27. Raise awareness among Belgian companies about the issue of corruption and strengthen Belgian commitments on this issue</p> <p>28. Execution of the Flemish “International sustainable entrepreneurship” Action Plan (“Entrepreneuriat international durable 2014-2015-2016” / “Duurzaam Internationaal Ondernemen 2014-2015-2016”)</p> <p>29. Facilitate knowledge sharing in the field of human rights</p> <p>30. Tap into existing systems in Europe</p> <p>31. Highlight exemplary practices by companies</p> <p>32. Train companies in the field of respect for human rights</p> <p>33. The import, export and transit of arms, munitions, military and law enforcement equipment and dual-use goods</p> |
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n°	Actions	UN GPs B&HR		SDGs	Responsible Authority
		Pillar	Operative principle		
1.	Develop a human rights toolkit for companies and organisations	I	OP 3	   	Federal Institute for Sustainable Development Walloon Region Flemish Region Working Group CSR / ICSD
2.	Develop a brochure on remedy mechanisms at government level	III	OP 26 & 27		Federal Institute for Sustainable Development
3.	Formulate recommendations to improve access to remedy mechanisms	III	OP 26 & 27		Federal Institute for Sustainable Development
4.	Promote existing qualitative initiatives relating to human rights and corporate social responsibility	I	OP 3	   	Federal Institute for Sustainable Development Walloon Region Flemish Region Working Group CSR / ICSD
5.	Distribute the toolkit and the brochure on remedy mechanisms among Belgian missions abroad and raise their awareness about the issue	III	OP 26 & 27	   	Ministry of Foreign Affairs Walloon Region Flemish Region Brussels Capital Region
6.	Belgian SDG Charter on the role of the private sector, civil society and the public sector in international development			 	Ministry of Foreign Affairs
7.	Raise companies' awareness on human rights issues during economic missions abroad	I	OP 3	   	Ministry of Foreign Affairs Walloon Region Flemish Region Brussels Capital Region
8.	Encourage international framework agreements	I & II		 	Ministry of Employment, Labour and Social Dialogue
9.	Strengthen the cooperation between the public services and the various organisations active in the field of human rights and international entrepreneurship	I	OP 3 & 7	 	Ministry of Foreign Affairs Walloon Region Flemish Region Brussels Capital Region

n°	Actions	UN GPs B&HR		SDGs	Responsible Authority
		Pillar	Operative principle		
10.	Incorporate human rights and Corporate Social Responsibility criteria into the Belgian development cooperation strategy in support of the development of the local private sector	I	OP 4 & 6	5 8 16	Ministry of Foreign Affairs and Development Cooperation
11.	Improve coordination between the Federal and regional authorities to integrate human rights and CSR criteria into state aid policy	I	OP 4	5 8 16	Ministry of Economy Finexpo Ducroire
12.	Continue Belgium's commitment and its pioneering role in terms of international human rights	I	OP 10	5 8 16	Ministry of Foreign Affairs and other Ministries active in international organisations
13.	Strengthen and monitor the respect for human rights in public procurement	I	OP 5 & 6	8 12 16	Federal Institute for Sustainable Development Working Group CSR/ICSD Walloon & Flemish Region Brussels Capital Region
14.	Evaluate the Belgian label designed to promote socially responsible production	I & II	OP 5, 6 & 14	8 12 16	Ministry of Economy IFDD Working Group CSR/ICSD
15.	Incorporate the principle of “due diligence” within corporate management bodies, also in terms of human rights	II & III	OP 17	8 16	Ministry of Economy Walloon Region Flemish Region Brussels Capital Region
16.	Promote social relations, including human rights	I & II	OP 3 18 & 21	8 12 16	Ministry of Economy Federal Institute for Sustainable Development
17.	Advocate a stronger integration of Sustainable Development (including human rights) into free trade agreements	I	OP 9 & 10	5 8 12 16	Ministry of Foreign Affairs Ministry of Economy Flemish Region Brussels Capital Region

n°	Actions	UN GPs B&HR		SDGs	Responsible Authority
		Pillar	Operative principle		
18.	Monitor the development of CSR and human rights in Belgian companies using the CSR barometer	I & II	OP 3, 18 & 21		Federal Institute for Sustainable Development
19.	Promote good practices of SMEs that adopt responsible supply chain management, especially using the "CSR Compass" tool	I & II	OP 3 & 16	 	Walloon Region
20.	Promote socially responsible public companies	III	OP 4 & 8	   	Working Group CSR/ICSD Federal Institute for Sustainable Development
21.	Provide better information to the general public and relevant organisations in Belgium with regard to the Belgian government's activities in terms of human rights, in order to raise awareness of this issue	I			Ministry of Foreign Affairs Ministries active in international organisations
22.	Encourage responsible supply chain management using a sectoral approach	I	OP 3	 	Ministry of Economy OECD National Contact Point
23.	Strengthen the OECD National Contact Point (NCP)	III	OP 27 & 31	 	Ministry of Economy
24.	Pay particular attention to children's rights when raising awareness among companies			  	Ministry of Foreign Affairs Ministry of Employment, Labour and Social Dialogue Regions and Communities
25.	Pay particular attention to the ratification, support and promotion of a series of ILO conventions addressing women's rights	I	OP 3	  	Ministry of Foreign Affairs Ministry of Employment, Labour and Social Dialogue Regions and Communities

n°	Actions	UN GPs B&HR		SDGs	Responsible Authority
		Pillar	Operative principle		
26.	Pay particular attention to the ratification, support and promotion of a series of ILO conventions covering health and safety at work	I	OP 3	 	Ministry of Employment, Labour and Social Dialogue Regions and Language Communities
27.	Raise awareness among Belgian companies about the issue of corruption and strengthen Belgian commitments on this issue	I	OP 3		Ministry of Foreign Affairs Concerned Ministries
28.	Execution of the Flemish "International sustainable entrepreneurship" Action Plan ("Entrepreneuriat international durable 2014-2015-2016"/ "Duurzaam Internationaal Ondernemen 2014-2015-2016")	I & II	OP 3C, 3D, 8& 18	   	Flemish Region
29.	Facilitate knowledge sharing in the field of human rights	I & II	OP 3 & 17	 	Walloon Region
30.	Tap into existing systems in Europe	I	PO 3	 	Walloon Region
31.	Highlight exemplary practices by companies	I	PO 3	 	Walloon Region
32.	Train companies in the field of respect for human rights	I & II	PO 3 & 18	 	Walloon Region
33.	The import, export and transit of arms, munitions, military and law enforcement equipment and dual-use goods	I	OP 3A, 3C, 7, 10B & 10C	 	Flemish Region



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