



British Institute of
International and
Comparative Law

NORTON ROSE FULBRIGHT

Introduction

Business and human rights represents an evolving area of risk for businesses which is assuming an increasingly legal dimension. As in many other areas, the prudent response is due diligence. Indeed, many businesses already conduct due diligence in a variety of contexts, including mergers & acquisitions and project finance. However, the nature of human rights due diligence is different from the due diligence that companies are used to conducting.

The UN Guiding Principles on Business and Human Rights (the **Guiding Principles**) set out the components of human rights due diligence. Recognising the unique characteristics of human rights due diligence is fundamental to the effective identification and management of human rights impacts which may be associated with a business' operations, supply chains or value chains.

Although much has been written about human rights due diligence, there is still a lack of clarity about what is required amongst many businesses. Further guidance is needed to help businesses understand the scope, meaning and consequences of human rights due diligence as described in the Guiding Principles.

With this in mind, Norton Rose Fulbright and the British Institute of International and Comparative Law (**BIICL**) decided to collaborate on a joint study (the **Study**) comprising academic research, an anonymous survey and interviews with business representatives, with the aim of clarifying issues of law, principle and practice in the area of human rights due diligence.

The primary purpose of the Study is to provide practical recommendations for businesses in relation to their approach to human rights due diligence. The key findings from our Study are set out in this summary briefing, while a detailed 15,000 word peer reviewed article will appear in a forthcoming edition of the Business and Human Rights Journal published by Cambridge University Press.

Our Study:

1. clarifies the meaning and scope of human rights due diligence;
2. examines its legal basis, developments and underlying requirements; and
3. analyses the actual practice currently undertaken by companies through the lens of the core elements of the Guiding Principles.

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