



UK Mission to the
United Nations
in Geneva

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Note No 117

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to transmit the attached response to Allegation Letter OL GBR 2/2018 to Ms. Beatriz Balbin, Chief, Special Procedures Branch, OHCHR on behalf of the UK Government.

The Permanent Mission of the United Kingdom avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

30 April 2018



Office of the High Commissioner for Human Rights

OL GBR 2/2018: HMG Response, Minas Rio Project

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

The United Kingdom Government supports the rights of human rights defenders to carry out their activities and voice their opinions in order to defend human rights peacefully. The United Kingdom will continue to promote the protection of human rights defenders active on business and human rights related issues, and is concerned about any reports of intimidation and death threats to human rights defenders, wherever they occur.

Officials have raised this issue with Anglo American both in Brazil, most recently on 27 March, and in London on 30 April. Anglo American informed officials that they had responded to the Minas Gerais State Court's request for information. According to Anglo American, it was the Court that published the names of the individuals, apparently in line with Brazilian legal requirements. We understand that Anglo American did not receive your initial request for information, as this was sent to an incorrect email address, but that they will be submitting further information on the allegations directly.

2. Please provide information on the measures taken by your Excellency's Government to ensure that Anglo American implements its responsibilities under international human rights law and standards, including the U.N. Guiding Principles on Business and Human Rights, in its overseas operations.

In September 2013, the UK became the first UN Member State to publish a National Action Plan to implement the UN Guiding Principles on Business and Human Rights. The National Action Plan ([here](#)) was updated in May 2016 to reflect the broad range of activity and engagement taking place across a large number of government departments. Anglo American participated in the development of the National Action Plan, along with representatives from a wide cross-section of the business community.

As set out in our National Action Plan on Business and Human Rights, the UK Government is committed to the full implementation of the UN Guiding Principles on Business and Human Rights. The UK Government encourages other countries to follow our example in implementing National Action Plans. In line with our stated commitment to support human rights defenders across the full range of human rights, the UK Government supports human rights defenders working on Business and Human Rights, expressing solidarity and concern when appropriate.

In line with the National Action Plan, British Embassies around the world, including the British Embassy in Brazil, work to promote international endorsement of the UN's Guiding Principles on Business and Human Rights. We work both through intergovernmental institutions and bilaterally, together with EU and other like-minded partners, to encourage and support companies to meet their obligations and responsibilities to prevent human rights abuse. In addition, the British Embassy in Brazil acts as the EU's focal point for human rights defenders in Brazil. The Embassy has frequently raised business and human rights standards with relevant stakeholders, including with Anglo American, and is actively promoting the business and human rights agenda in Brazil more generally. For example, together with ILO and UN Global Compact, the Embassy will be organising an

event in June on “Business and supply chains: progress towards the elimination of unacceptable forms of work and the promotion of decent work”.

The UK Government is committed to protecting human rights through a range of measures, both mandatory and voluntary, including helping UK companies understand, manage and respect human rights throughout their business and its operations. The UK also supports the implementation of the Voluntary Principles on Security and Human Rights process, which the UK is chairing for 2018/19. We encourage and support UK extractive companies, including Anglo American, in playing an active role in this context. In fact, Anglo American is amongst the most proactive participants in the Voluntary Principles Initiative, including through regular presentations at the Annual Plenary. Further detail on Anglo American’s engagement on the Voluntary Principles is available in their 2017 annual report ([here](#)).

3. Please indicate what measures or policies have been adopted by your Excellency’s Government to address allegations of this kind related to corporate human rights abuse against business enterprises domiciled in your territory and/or jurisdiction throughout their overseas operations.

As set out above, the UK Government’s commitment to business and human rights is reaffirmed in its updated National Action Plan.

The actions that are particularly relevant are:

- The UK is the current Chair of the Voluntary Principles Initiative which supports the implementation of the Voluntary Principles on Security and Human Rights (VPs). The VPs provide a framework which enables extractive companies to better align their corporate policies and procedures with internationally recognised human rights principles in the provision of security for their operations. We work closely with UK companies, including Anglo American, to support their implementation of the VPs with respect to the provision of both public and private security to their operations. The VPs also encourage greater transparency by companies in line with the UN Guiding Principles on Business and Human Rights. A more detailed account of the UK’s activities in respect of the Voluntary Principles can be found in the 2017 UK Annual Report on the Voluntary Principles on Security and Human Rights for Businesses operating in Complex or Fragile Environments ([here](#)).
- Improving transparency of company reporting, including:
 - clarifying legislation so that eligible companies are required to report on human rights as part of their annual strategic reports;
 - transposing the EU non-financial reporting Directive 2014/95/EU to enable greater consistency and comparability of public information on the human rights policies and performance of listed companies in Europe;

- supporting the development of the UN Guiding Principles Reporting Framework, a comprehensive tool including guidance for companies to report on human rights issues in line with their responsibility to respect human rights; and
 - supporting the development of the Corporate Human Rights Benchmark which seeks to rank the top 500 globally listed companies on their human rights policies, processes and performance, to harness the competitive nature of the markets to drive better corporate human rights performance. It may be worth noting that in 2017 Anglo American was recognised as having actively engaged in the benchmarking process and ranked 4th out of 41 extractives companies.
- Producing Board level guidance to company directors on business and human rights through the UK's Equality and Human Rights Commission.
 - The UK is also a signatory to the Organisation for Economic Cooperation and Development Guidelines for Multinational Enterprises (the Guidelines). The Guidelines are voluntary standards intended to promote responsible business conduct by enterprises based in the signatory countries. The complaints mechanism can include the examination of instances where breaches of human rights may have occurred. The UK National Contact Point (UK NCP) raises awareness of the Guidelines and implements a complaints mechanism. More information about the National Contact Point can be found at:
<https://www.gov.uk/government/groups/uk-national-contact-point-for-the-organisation-for-economic-co-operation-and-development-guidelines>