



UK Mission
Geneva

**From the Permanent
Representative**

58 Avenue Louis Casati
1216 Cointrin
Switzerland

24 July 2018

Tel: +41 (0) 22 918 2325
Fax: +41 (0) 22 918 2344

Anita Ramasastry

Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

John H. Knox

Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

Agnes Callamard

Special Rapporteur on extrajudicial summary or arbitrary executions

David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Clement Nyaletsossi Voule

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Baskut Tuncak

Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

Michel Forst

Special Rapporteur on the situation of human rights defenders

Léo Heller

Special Rapporteur on the human rights to safe drinking water and sanitation

OHCHR

Palais des Nations
CH-1211 Geneva 10

Dear Ms Ramasastry, Mr Knox, Dr Callamard, Mr Kaye, Mr Voule, Mr Tuncak, Mr Forst, and Mr Heller,

Thank you for your letter dated 29 May 2018 regarding the protests demanding the closure of Sterlite Copper Smelting Plant in Tamil Nadu, India and the death of demonstrators at these protests. The UK's observations on the points raised in your letter are provided in the attached annex.

Yours sincerely,

JULIAN BRAITHWAITE

ANNEX

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

The Government of the United Kingdom was deeply saddened to hear of the deaths of 13 people in Tuticorin in Tamil Nadu, India. The Foreign and Commonwealth Office's Permanent Under-Secretary discussed the issue with the Chief Secretary of Tamil Nadu during a visit to the State on 26 April.

We understand the State Government has ordered the permanent closure of the plant and an investigation into the clashes/deaths. We welcome the investigation and will continue to monitor its progress.

We note that, following the incident, Vedanta Resources has published further information in the form of 'Frequently Asked Questions' on their website and have also issued a video statement from their Chairman, Mr Anil Agarwal.

2. Please provide information on existing measures, including policies, legislation, and regulations, your Excellency's Government has put in place to ensure that the UK-based business enterprises discharge their responsibility to respect human rights through their global operations.

In September 2013, the UK became the first UN Member State to develop a National Action Plan to implement the UN Guiding Principles on Business and Human Rights. In order to reflect actions taken by the Government, the Action Plan was updated in 2016 and set out the role the Government will play in helping business to fulfil its responsibility to respect human rights. The updated Action Plan is published on the Government's Website ([here](#)). The UK Government believes in the importance of the business and human rights agenda and that the promotion of business, and the respect for human rights, go hand in hand.

The UK is committed to fully implementing the UN Guiding Principles on Business and Human Rights. The UK Government has encouraged other countries to follow our example by creating and implementing their own National Action Plans, which will in turn allow for greater respect for human rights across the world of business. We welcome the decision of the Government of India to create their own National Action Plan on Business and Human Rights, the development of which the UK has been supporting.

We work through intergovernmental institutions including the European Union, to encourage and support companies to meet their obligations and responsibilities in the prevention of human rights abuses. The UK is also committed to ensuring the effective implementation of The Global Goals for Sustainable Development including the commitments to end modern slavery and human trafficking (SDG 8.7) and to protect labour rights, promote safe and secure working environments for all workers (SDG 8.8).

The Government has helped to develop an increased emphasis within the business community on the importance of reporting, benchmarking companies' social and ethical performance, and corporate transparency. This has included;

- Clarifying legislation to ensure 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.

The United Kingdom is 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 allegations of human rights abuses. The UK National Contact Point (UK NCP) raises awareness of the Guidelines and implements a complaints mechanism. The UK NCP website may be found [here](#).

We believe the UK's approach strikes an appropriate balance between encouraging strong corporate behaviour on human rights and avoiding an over-regulated approach, which could potentially drive companies to take a minimalist approach to compliance; our aim is to encourage a "race to the top".

Within the context of India, the UK Government has continued to support British companies in implementing the UK's Modern Slavery Act 2015, through a project on preventing sexual harassment in the workplace and preventing trafficking, as well as on promoting transparency of supply chains in 14 factories across three States. 14,000 female workers benefitted.

3. Please indicate any initiatives taken by your Excellency's Government to ensure that those affected by business-related human rights abuses caused, contributed to or directly linked with UK-based business enterprises have access to effective remedy, in accordance with the UN Guiding Principles on Business and Human Rights.

The UK Government has set out its approach to ensuring that those affected by business-related human rights abuses by UK-based business enterprises have access to effective remedy in its updated National Action Plan on Business and Human Rights in 2016. We recognise that remedy can be defined on a wide spectrum of outcomes and have a range of judicial and non-judicial mechanisms to achieve this.

The UK supports access to remedy for human rights abuses by business enterprises through its employment tribunals for cases of labour rights, avenues for civil law claims and specific criminal law provisions under the Bribery Act 2010, Modern Slavery Act 2015, Serious Crime Act 2007, Corporate Manslaughter and Corporate Homicide Act 2007 and Gangmasters (Licensing) Act 2004. The UK National Contact Point considers allegations of non-compliance by UK companies with the OECD Guidelines for Multinational Enterprises. The Equality and Human Rights Commission monitors and promotes human rights compliance and can conduct inquiries, investigating alleged human rights abuses in business sectors. Many industry

sectors also have an Ombudsman, Regulator or other Government Complaint Offices that hear complaints, impose sanctions and award compensation where appropriate.

In addition, the Government has tasked UK Trade and Investment (UKTI) teams in the markets where they operate to advise UK companies on establishing or participating in grievance mechanisms for those potentially affected by their activities. We have also encouraged companies to extend their domestic UK practice of providing effective grievance mechanisms, and adapt them to fit local circumstances for their overseas operations.

The Foreign and Commonwealth Human Rights and Democracy Programme Fund has supported projects working on remedy procedures in other countries. This has included;

- Helping States who wish to develop their own human rights protection mechanisms and reduce barriers to remedy within their jurisdiction;
- Supporting civil society and trade union efforts to access effective remedy and promote protection of human rights defenders active on business and human rights;
- Supporting business efforts to provide, adopt or participate in effective grievance mechanisms.

Finally, the Government has also commissioned an independent survey of UK provision of remedy to better understand judicial and non-judicial remedies available to victims of human rights harms involving business enterprises.