

## **HUMAN RIGHTS AND BUSINESS ETHICS : ROLE OF THE STATE, BUSINESS AND REMEDIES AGAINST VIOLATION**

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### **Abstract :**

*As a civilized society, upholding human rights is an integral part of our existence. The business world as well has a moral code of conduct to follow which among other things encompasses safeguarding human rights . Though the state establishes and enforces regulations and forms the executive body to ensure proper execution, it is not the standalone duty of the state , every establishment and society in general shares the duty of ensuring that human rights are not violated through practice and dignity of every human being is maintained. The United Nations Human Rights Council has laid down the Guiding Principles on Business and Human Rights, which outline the responsibilities of businesses regarding human rights . It is based on three pillars: the state's duty to protect human rights, the business's responsibility to respect human rights, and access to remedy for victims of human rights violations. This paper analyses each of these principles and their practical implications*

**Keywords :** Human rights, Human Dignity, Business ethics, Exploitation, Remedies

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### **Introduction :**

The topic of human rights and business ethics has gained increasing attention in recent years as companies and organizations have come under scrutiny for their practices and impact on society. Business ethics is concerned with the moral and ethical principles that govern business behavior, while human rights are the fundamental rights and freedoms that all individuals are entitled to, regardless of their race, gender, nationality, religion, or other status. The purpose of this research paper is to explore the relationship between human rights and business ethics and examine the role of companies in upholding human rights.

### **Background :**

Business ethics is an essential aspect of any organization, as it sets the standards for responsible behavior and ensures that companies operate in a manner that is consistent with their values and the expectations of society. Similarly, human rights are a critical component of a just and equitable society, and companies have a responsibility to respect and uphold these rights. However, in many cases, businesses have been accused of violating human rights through their practices, such as labor exploitation, environmental degradation, and disregard for workers' health and safety.



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## **The United Nations Guiding Principles on Business and Human Rights :**

In 2011, the United Nations Human Rights Council adopted the Guiding Principles on Business and Human Rights, which outline the responsibilities of businesses regarding human rights. The principles are based on three pillars: the state's duty to protect human rights, the business's responsibility to respect human rights, and access to remedy for victims of human rights violations.

### **The first pillar: The state's duty to protect human rights :**

The first pillar states that governments have a responsibility to protect human rights, including those that may be affected by business activities. This includes implementing laws and regulations that promote and protect human rights and providing remedies for human rights violations.

The role of government in upholding human rights is critical. The governments can uphold human rights in the following ways

1. Establish and enforce laws and regulations: Governments have a responsibility to establish and enforce laws and regulations that protect human rights. This includes laws and regulations related to labor rights, non-discrimination, freedom of speech and assembly, and access to education and healthcare.
2. Investigate and prosecute human rights violations: Governments must investigate and prosecute human rights violations, including those committed by individuals, companies, and other organizations. This includes providing victims with access to justice and holding perpetrators accountable for their actions.
3. Provide human rights education and training: Governments can provide human rights education and training to their citizens, including teachers, police officers, and other government officials. This can help ensure that people are aware of their rights and how to exercise them.
4. Promote and protect civil society: Governments can promote and protect civil society organizations, including human rights organizations and NGOs. This includes providing a legal framework that allows these organizations to operate freely and without fear of persecution.
5. Work with international organizations: Governments can work with international organizations, such as the United Nations, to promote and protect human rights. This includes ratifying international human rights treaties and participating in international human rights monitoring mechanisms.
6. Provide remedies for human rights violations: Governments have a responsibility to provide remedies for human rights violations, including compensation, restitution, and rehabilitation. This can help victims recover from the harm they have suffered and prevent future violations.

In summary, governments play a critical role in upholding human rights. They have a responsibility to establish and enforce laws and regulations that protect human rights, investigate and prosecute human rights violations, provide human rights education and training,



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promote and protect civil society organizations, work with international organizations, and provide remedies for human rights violations.

### **The second pillar: the business's responsibility to respect human rights:**

The second pillar outlines the responsibility of businesses to respect human rights. This means that companies should avoid causing or contributing to adverse human rights impacts, and address any negative impacts that occur as a result of their activities. To achieve this, businesses should conduct due diligence to identify and assess any potential human rights impacts of their operations, integrate human rights considerations into their decision-making processes, and take steps to prevent or mitigate any adverse impacts.

### **The Role of Companies in Upholding Human Rights:**

Businesses have a critical role to play in upholding human rights. They can do this by adopting policies and practices that promote human rights, such as fair labor practices, protecting the environment, and respecting workers' health and safety. Companies can also support human rights through their supply chains, by ensuring that their suppliers and business partners also uphold human rights.

To ensure that human rights are respected, companies must also take steps to address any negative impacts that their operations may have on human rights. This can include conducting human rights impact assessments, engaging with stakeholders to understand their concerns and perspectives, and implementing remediation measures to address any adverse impacts.

### **There are several steps that companies can take to uphold human rights such as :**

1. **Conduct human rights due diligence:** Companies should conduct human rights due diligence to identify and assess any potential human rights impacts of their operations. This includes examining their supply chain and considering the potential impacts on human rights that may arise from their business relationships with suppliers, contractors, and other business partners.
2. **Integrate human rights into decision-making processes:** Companies should integrate human rights considerations into their decision-making processes. This can help ensure that human rights are considered alongside other business priorities and that decisions are made with respect for human rights.
3. **Develop policies and practices that promote human rights:** Companies should develop policies and practices that promote human rights, such as fair labor practices, protecting the environment, and respecting workers' health and safety.
4. **Engage with stakeholders:** Companies should engage with stakeholders, such as local communities and civil society organizations, to understand their concerns and perspectives. This can help companies identify potential human rights impacts and develop appropriate responses.
5. **Implement remediation measures:** Companies should implement remediation measures to address any adverse impacts on human rights that may arise from their



- operations. This can include providing remedies, such as compensation, restitution, and rehabilitation, to individuals or communities who have been harmed by business activities.
6. Support human rights in their supply chain: Companies should ensure that their suppliers and business partners also uphold human rights. This can be achieved by incorporating human rights clauses into contracts and monitoring supplier compliance with human rights standards.
  7. Engage in multi-stakeholder initiatives: Companies can engage in multi-stakeholder initiatives, such as the UN Global Compact, to promote human rights and collaborate with other organizations to address human rights challenges.

By taking these steps, companies can play a significant role in promoting and protecting human rights in their operations and supply chains

### **The third pillar: access to remedy for victims of human rights violations:**

The third pillar is access to remedy for victims of human rights violations. This means that individuals or communities who have been harmed by business activities should have access to effective remedies, including compensation, restitution, and rehabilitation.

### **In India, there are various remedies available for human rights violations. Here are some examples:**

1. Judicial remedies: Individuals who have suffered human rights violations can seek judicial remedies through the courts. This includes filing a complaint or petition with the appropriate court, seeking damages or compensation for the harm suffered, and obtaining an order from the court to prevent further violations.
2. National Human Rights Commission (NHRC): The NHRC is an independent statutory body that is empowered to investigate human rights violations and make recommendations to the government. Individuals can file a complaint with the NHRC if they believe their rights have been violated.
3. State Human Rights Commissions: In addition to the NHRC, each state in India has a State Human Rights Commission (SHRC) that investigates human rights violations within its jurisdiction. Individuals can file a complaint with the SHRC if they believe their rights have been violated by state government authorities.
4. Human Rights Courts: In some states, there are special Human Rights Courts that are designated to hear cases related to human rights violations.
5. Public Interest Litigation (PIL): PIL is a legal mechanism that allows individuals and organizations to bring cases before the courts on behalf of the public interest. PIL can be used to address systemic human rights violations or to seek changes in government policies or practices.
6. Alternative Dispute Resolution (ADR): ADR mechanisms, such as mediation and arbitration, can be used to resolve human rights disputes outside of the court system. This can provide a faster and less expensive way to resolve disputes and obtain remedies.



In summary, there are several remedies available in India for human rights violations, including judicial remedies, the NHRC and SHRCs, Human Rights Courts, PIL, and ADR mechanisms.

### **Conclusion:**

In conclusion, the relationship between human rights and business ethics is critical for creating a just and equitable society. Companies have a responsibility to respect and uphold human rights, and the United Nations Guiding Principles on Business and Human Rights provide a framework for achieving this. By adopting ethical business practices, supporting human rights in their operations and supply chains, and addressing any negative impacts on human rights, companies can play a significant role in promoting and protecting human rights.

### **References:**

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