United Nations Guiding Principles on Business & Human Rights (UNGPs) & Domestic Laws

UNGPs are a set of guidelines for States and companies to prevent, address and remedy human rights abuses committed in business operations. They were endorsed by the United Nations Human Rights Council in June 2011.

**THE UNGPs ARE GROUNDED IN THE RECOGNITION OF:**

1. The State's duty to protect against human rights violations by businesses;
2. The companies' responsibility to respect human rights;
3. The obligations for both the State and companies to provide an effective remedy for any human rights violations.

**Summary of the 31 Guiding Principles**

Guiding Principles 1-10 outline how states should comply with their duty to protect human rights in the context of business. For example:

- States should enforce laws requiring businesses to respect human rights, and periodically assess the adequacy of such laws and address any gaps (UNGP 23 (a))
- States should deny access to public support and services for businesses that are involved with gross human rights abuses and refuse to cooperate in addressing the situation (UNGP 7 (C))

Guiding Principles 11 to 24 outline how to establish corporate respect for human rights. For example:

- Businesses should express their commitment to meet their responsibility to respect human rights through a statement of policy (UNGP 16)

Guiding Principles 29 to 31 outline how to implement effective access to remedies for human rights violations. For example:

- States should ensure the effectiveness of domestic judicial mechanisms when addressing business-related human rights abuses (UNGP 26)
- States should provide effective and appropriate non-judicial grievance mechanisms, alongside judicial human rights abuse (UNGP 27)

UNGPs are not legally binding on States, however, there are a number of domestic laws in Cambodia that are applicable to business and human rights and give effect to the Guiding Principles. For example:

- **The Constitution of the Kingdom of Cambodia** - Article 31 of the Constitution incorporates the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights directly into Cambodian law.
- **Law on Environmental Protection and Natural Resources Management 1996** - contains provisions aimed at protecting the environment and assessing the potential environmental impact of all projects before they are approved by the Cambodian government.
- **Labor Law 1997** - regulates the labor relationship between employees and employers. The Labor Law specifically provides regulations on labor contracts, general working conditions, specific working conditions for agricultural work, health and safety of workers, trade union freedom and worker representation and settlement of labor disputes.
- **Forestry Law 2002** - provides regulations designed to promote the sustainable management of forests.
- **Land Law 2001** - provides protection of rights to land and property.
- **Criminal Code of the Kingdom of Cambodia 2009** - sets out offences that constitute Crimes.
- **Law on Fishery 2006** - promotes and protects the livelihood of communities living in close proximity to fish sources.
- **Law on Management of Water Resources 2007** - promotes the sustainable use of water resources so as not to adversely impact livelihoods.
- **2007 Civil Code of the Kingdom of Cambodia** - regulates civil matters to protect individuals' rights.